

The Maria da Penha Law and the Media:  
Understanding the Adoption of Human Rights Norms on Domestic Violence in Brazil

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## ABSTRACT

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In 2006, Brazil enacted a law on domestic violence in response to an Inter-American Commission on Human Rights decision condemning the country for denying justice to Maria da Penha, after whom the law was named. Twelve years later, in a turbulent political climate, quantitative studies suggest rates of violence against women are higher than ever. Has the law, which directly replicates human rights norms, effected genuine societal changes that protect women? This paper examines 50 online news stories on the Maria da Penha Law and finds that, although the implementation of the law is imperfect, the spread of human rights norms appears to have been significant. Media discourse suggests that the dominant narrative on the law takes protections for women to be necessary, brings attention to issues in its implementation, and attempts to increase rights-consciousness among the public. Lastly, the news stories suggest that Maria da Penha herself, through her unique positionality in relation to the law, plays an important role in making these international standards resonate with Brazilians.

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## Chapter 1: Introduction

Maria da Penha Maia Fernandes' husband attempted to kill her twice in 1993: first, he shot her in the back while she slept, then he tried to electrocute her in the shower.<sup>1</sup> For nine and a half years, despite Maria da Penha's testimony and rulings in her favor by two juries, her husband remained free while she was confined to a wheelchair by his violence.<sup>2</sup> He was finally jailed in 2002 because Maria da Penha wrote a book that the Latin American and Caribbean Committee for the Defense of Women's Rights and the Center for Justice and International Law noticed. They then offered to represent her before the Inter-American Commission on Human Rights (IACHR).<sup>3</sup> While the murder attempts occurred before Brazil ratified the Convention of Belém do Pará (the regional equivalent to Convention on the Elimination of Discrimination Against Women), the IACHR found that by allowing her husband to go free, the State was effectively condoning the domestic violence in an ongoing pattern of discrimination.<sup>4</sup>

In its 2001 opinion, the IACHR made four recommendations to Brazil: (i) promptly bring the criminal proceedings against her husband to a conclusion;<sup>5</sup> (ii) "conduct a serious, impartial, and exhaustive investigation to determine responsibility"<sup>6</sup> for the lack of justice rendered to Maria da Penha; (iii) "grant the victim appropriate symbolic and actual compensation"<sup>7</sup> for the violence

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<sup>1</sup> TedX Talks, *A Life Story! Maria Da Penha At Tedx Fortaleza*, video, 2018, <https://www.youtube.com/watch?v=TRSfTdaBbvs&t=9s>.

<sup>2</sup> TedX Talks, *A Life Story! Maria Da Penha At Tedx Fortaleza*.

<sup>3</sup> Ibid.

<sup>4</sup> Paula Spieler, "The Maria da Penha Case and the Inter-American Commission on Human Rights: Contributions to the Debate on Domestic Violence Against Women in Brazil." *Indiana Journal of Global Legal Studies* 18, no. 1 (2011): 130-132.

<sup>5</sup> Inter-American Commission on Human Rights, "Report N° 54/01 Case 12.051 Maria Da Penha Maia Fernandes Brazil." Reprint, Washington: Organization of American States, 2001.

<sup>6</sup> Inter-American Commission on Human Rights, "Report N° 54/01 Case 12.051 Maria Da Penha Maia Fernandes Brazil."

<sup>7</sup> Ibid.

she suffered; and (4) “continue and expand the reform process that will put an end to the condoning by the State of domestic violence against women in Brazil.”<sup>8</sup>

At the time the IACHR made its recommendations, Brazil was one of only three American states not to have any legislation that criminalized domestic violence.<sup>9</sup> This finally changed in 2006, three years into the mandate of President Luis Ignácio (Lula) Da Silva, the first president from the leftist *Partido dos Trabalhadores* (PT).<sup>10</sup> That year, Brazil enacted Law Number 11,340 and named it the Maria da Penha Law (MPL) as an act of symbolic reparation.<sup>11</sup> The MPL criminalized domestic and family violence against women, defined as “any action or omission based on gender that causes death, physical injury, physical, sexual, or emotional suffering, and moral or property damage.”<sup>12</sup> The law created mechanisms to counter violence against women and provided for other services, including educational programs to promote human rights and gender equality values.<sup>13</sup> This change in response to the IACHR decision represented an important victory of international human rights bodies over State indifference to domestic violence. As a result, much of the Human Rights literature on the MPL focuses on this success. Pasinato, Spieler, and Roure, for example, emphasize the significance of the case of Maria da Penha as an example of the ability of international human rights bodies to effectively pressure governments to provide

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<sup>8</sup> Ibid.

<sup>9</sup> Darren Hawkins and Melissa Humes, "Human Rights and Domestic Violence." *Political Science Quarterly* 117, no. 2 (2002): 235.

<sup>10</sup> Jeff Wallenfeldt, “Luiz Inacio Lula da Silva: Biography, Facts, & Involvement with Petrobras Scandal,” in *Encyclopedia Britannica*, accessed April 14, 2019, <https://www.britannica.com/biography/Luiz-Inacio-Lula-da-Silva>.

<sup>11</sup> Lei Nº 11.340, de 7 De agosto de 2006 (Brasília, 2006).

<sup>12</sup> Lei Nº 11.340, my translation.

<sup>13</sup> Ibid.

human rights protections and reparations for their violations of these rights.<sup>14</sup> In this sense, they argue that Brazil's legal reform is exemplary from a human rights perspective.<sup>15</sup>

Following the enactment of the MPL, legal protections for the human rights of women continued to expand. In 2015, Brazil's first female president, Dilma Rousseff, even passed a law on femicide to supplement the MPL.<sup>16</sup> That same year, however, Waiselfisz found Brazil to be the world's fifth most violent country for women.<sup>17</sup> Almost a third of Brazilian women claimed to have been victims of violence.<sup>18</sup> Another study found that from 2009-2010 to 2013-2014, the rate of domestic violence in Brazil came close to tripling.<sup>19</sup> Meanwhile, the PT had become embroiled in a corruption scandal: President Dilma was impeached in 2016<sup>20</sup> and former President Lula was jailed in 2018.<sup>21</sup> The result was a swing to the far right leading to the election of Jair Bolsonaro as president in October 2018.<sup>22</sup> Protestors argued at the time that Bolsonaro, known for his anti-feminist and anti-human rights rhetoric,<sup>23</sup> could be catastrophic for the rights of LGBTI Brazilians,

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<sup>14</sup> Wânia Pasinato, "Oito anos de Lei Maria da Penha: entre avanços, obstáculos e desafios," *Estudos Feministas* 23, no. 2 (2015): 534; Spieler, "The Maria da Penha Case and the Inter-American Commission on Human Rights: Contributions to the Debate on Domestic Violence Against Women in Brazil," 143;

Roure, "Domestic Violence in Brazil: Examining Obstacles and Approaches to Promote Legislative Reform," 96.

<sup>15</sup> Roure, "Domestic Violence in Brazil: Examining Obstacles and Approaches to Promote Legislative Reform," 96.

<sup>16</sup> "Lei Nº13.104" (2015), [http://www.planalto.gov.br/ccivil\\_03/\\_Ato2015-2018/2015/Lei/L13104.htm](http://www.planalto.gov.br/ccivil_03/_Ato2015-2018/2015/Lei/L13104.htm).

<sup>17</sup> Julio Jacobo Waiselfisz, *Mapa da Violência*. Brasília, 2015. [https://www.mapadaviolencia.org.br/pdf2015/MapaViolencia\\_2015\\_mulheres.pdf](https://www.mapadaviolencia.org.br/pdf2015/MapaViolencia_2015_mulheres.pdf).

<sup>18</sup> Waiselfisz, *Mapa da Violência*.

<sup>19</sup> Nádia Cristina Pinheiro Rodrigues et al., "The Increase in Domestic Violence in Brazil From 2009-2014," *Ciência e Saúde Coletiva* 22, no. 9 (2017): 2873-2880, doi:10.1590/1413-81232017229.09902016

<sup>20</sup> Shasta Darlington and Ernesto Londoño, "Brazilian Corruption Case Ensnarers Ex-Presidents da Silva and Rousseff," *The New York Times*, December 22, 2017, sec. World, <https://www.nytimes.com/2017/09/05/world/americas/brazil-dilma-rousseff-lula-corruption-workers-party.html>.

<sup>21</sup> Shasta Darlington, "Brazil's 'Lula' Convicted Again of Corruption, Clouding His Political Future," *The New York Times*, February 7, 2019, sec. World, <https://www.nytimes.com/2019/02/06/world/americas/brazil-lula-convict-corruption.html>.

<sup>22</sup> Anthony Faiola and Marina Lopes, "LGBT Rights Threatened in Brazil under New Far-Right President," *Washington Post*, February 18, 2019, [https://www.washingtonpost.com/world/the\\_americas/lgbt-rights-under-attack-in-brazil-under-new-far-right-president/2019/02/17/b24e1dcc-1b28-11e9-b8e6-567190c2fd08\\_story.html](https://www.washingtonpost.com/world/the_americas/lgbt-rights-under-attack-in-brazil-under-new-far-right-president/2019/02/17/b24e1dcc-1b28-11e9-b8e6-567190c2fd08_story.html).

<sup>23</sup> Bolsonaro once publically told a congresswoman, "I wouldn't rape you because you don't deserve it."

Pablo Uchoa, "Why Brazilian Women Are Saying #Nothim." *BBC News*, 2018. <https://www.bbc.com/news/world-latin-america-45579635>.

racial and ethnic minorities, and women.<sup>24</sup> Does this mean that the MPL's effectiveness as a tool for implementing human rights protections for women in Brazil is under threat?

Inflammatory rhetoric garners attention but it is a poor yardstick for measuring the long-term impact of a law like the MPL. Sally Engle Merry's theory of "vernacularization"<sup>25</sup> offers a more effective framework for examining the social process of adapting and adopting human rights norms from the universal to diverse local contexts. The term vernacularization originally referred to the process through which European national languages were formed from Latin and is analogous to the way in which the language of human rights is "extracted from the universal and adapted to local communities."<sup>26</sup> According to Merry, translators are needed to "negotiate between local, regional, national, and global systems of meaning, ... refashion global rights agendas for local contexts and reframe local grievances in terms of global human rights principles and activities."<sup>27</sup> Several pitfalls can occur in a State's process of importing human rights standards if this translation is not perfect. If States merge the symbols and institutions they are importing with local ones in a process of "hybridization,"<sup>28</sup> the human rights ideas may resonate more with the population and yet the imported norms may be subverted in the process.<sup>29</sup> Conversely, if the imported norms are simply replicated, remaining "largely unchanged from its transnational prototype,"<sup>30</sup> the adaptation may be "superficial and primarily decorative."<sup>31</sup> Since the ability of human rights to effect meaningful societal changes is contingent on whether they "become part of

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<sup>24</sup> Juliana Gragnani, Amanda Rossi, and Julia Dias Carneiro, "#EleNÃO: a manifestação histórica liderada por mulheres no brasil vista por quatro ângulos," September 30, 2018, <https://www.bbc.com/portuguese/brasil-45700013>.

<sup>25</sup> Sally Engle Merry, "Transnational Human Rights and Local Activism: Mapping the Middle," *American Anthropologist* 108, no. 1 (2006): 38–51.

<sup>26</sup> Merry, "Transnational Human Rights and Local Activism: Mapping the Middle," 39.

<sup>27</sup> Ibid.

<sup>28</sup> Ibid., 44.

<sup>29</sup> Ibid.

<sup>30</sup> Ibid.

<sup>31</sup> Ibid.

the consciousness of ordinary people,”<sup>32</sup> it may be necessary to compromise the original language of human rights standards through some degree of “hybridization.”<sup>33</sup>

The language of the MPL embraces a wide range of human rights norms with only limited “hybridization.”<sup>34</sup> Brazil therefore offers an interesting case study on the effectiveness of human rights standards in protecting and fulfilling the human rights of women when transplanted into national law. Understanding the effectiveness of the MPL requires knowledge of how the human rights standards it embraces have filtered into public consciousness. In fact, as Merry posits, the relationship between rights-consciousness and the effectiveness of a human rights institution or mechanism appears to be cyclical.<sup>35</sup> On the one hand, “to promote individual rights-consciousness, institutions have to implement rights effectively. However, if there is little rights-consciousness there will be less pressure on institutions to take rights seriously.”<sup>36</sup> This rights-consciousness is all the more important when it comes to human rights issues that occur in the private sphere, such as domestic violence. The State’s ability to protect women in this context is largely contingent on their willingness to report the violence they suffer to the police. Studies have found, for example, that 98% of Brazilians have heard of the MPL and 86% of respondents believe that the law has caused an increase in women reporting the violence they suffered.<sup>37</sup> Rights-consciousness is therefore central to the MPL’s effective implementation.

The news and media play a role in shaping this relationship between human rights norms, national laws that adopt them, and the society they affect. They do this by writing about how

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<sup>32</sup> Ibid.

<sup>33</sup> Ibid.

<sup>34</sup> Ibid.

<sup>35</sup> Sally Engle Merry, *Human Rights and Gender Violence: Translating International Law into Local Justice* (Chicago: U Chicago Press, 2006), 5.

<sup>36</sup> Merry, *Human Rights and Gender Violence: Translating International Law into Local Justice*, 5.

<sup>37</sup> Data Popular and Instituto Patrícia Galvão, *Percepção da sociedade sobre violência e assassinato de mulheres*, 2013.



society interacts with these norms and by helping shape the meaning of the law through the messages it sends. Carlyle et al. explain that, in addition to reflecting social views, media portrayals of domestic violence play an important role in shaping public perceptions as well as social policy.<sup>38</sup> This influence exists because the media helps define understandings of reality.<sup>39</sup> Furthermore, they find that how domestic violence is framed then often impacts support and funding for safe houses, punishment for perpetrators of domestic violence, protections for the survivors, among other things.<sup>40</sup> Since Brazil has a free press, which is widely read, the news media is able to offer interesting insights into the reach of the law into Brazilian society.<sup>41</sup>

Given the existence of these connections between the media, social perceptions, and the law, it is crucial to understand how they apply to the MPL. Yet the existing literature has neither looked at which aspects of the MPL are being discussed in the public sphere nor what language is being used in doing so. Academic works on the MPL look at the role of Maria da Penha's case in developing IACHR case law, at the significance of Maria da Penha's case for Brazilian women, and at the importance of the MPL in creating protections and services for women.<sup>42</sup> They engage with the implementation of the MPL nationally, as well as with a wide range of specific obstacles preventing its successful implementation.<sup>43</sup> However, there is a gap in the literature when it comes

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<sup>38</sup> Kellie E. Carlyle, Michael D. Slater and Jennifer L. Chakroff, "Newspaper Coverage of Intimate Partner Violence: Skewing Representations Of Risk," *Journal Of Communication* 58, no. 1 (2008): 168-186.

<sup>39</sup> Carlyle, Slater and Chakroff, "Newspaper Coverage of Intimate Partner Violence: Skewing Representations of Risk," 168-186.

<sup>40</sup> Ibid.

<sup>41</sup> Reuters Institute for the Study of Journalism, "Digital News Report 2018" (Oxford: Oxford University, 2018), <http://media.digitalnewsreport.org/wp-content/uploads/2018/06/digital-news-report-2018.pdf?x89475>.

<sup>42</sup> Spieler, "The Maria da Penha Case and the Inter-American Commission on Human Rights: Contributions to the Debate on Domestic Violence Against Women in Brazil," Patricia Tarre Moser, "The Duty to Ensure Human Rights and Its Evolution in the Inter-American System: Comparing Maria Da Penha V. Brazil with Jessica Lenahan (Gonzales) V. United States," *The American University Journal of Gender, Social Policy & the Law*; Washington 21, no. 2 (2013): 437-53; Cecilia MacDowell Santos, "Da delegacia da mulher à Lei Maria da Penha: Absorção/tradução de demandas feministas pelo Estado," 1, *Revista Crítica de Ciências Sociais*, no. 89 (June 1, 2010): 153-70. <https://doi.org/10.4000/rccs.3759>.

<sup>43</sup> Carmen Hein De Campos, "Desafios na implementação da Lei Maria da Penha," *Revista Direito GV* 11, no. 2 (2015): 391-406. doi:10.1590/1808-2432201517; Thiago Pierobom De Ávila, "Facing Domestic Violence Against

to understanding what information reaches Brazilians beyond a basic knowledge of the law's existence and how the norms of the MPL have spread throughout Brazilian society. As Merry rightly points out, the spread of human rights norms in a society is not simply contingent on the State adopting them, but rather on complex social processes of awareness, acceptance and rejection.<sup>44</sup> Yet, there is no human rights literature that focuses on how this process plays out in the case of the MPL. There is a need to fill this gap because the State's ability to protect the human rights of women in situations of domestic violence is so dependent on the willingness of women to report and on the change in attitudes of perpetrators.

This paper seeks to understand how the MPL and the public discourse surrounding it have embedded human rights ideas on domestic violence in Brazilian society. Since approximately 90% of Brazilians read online news stories in some capacity, I attempt to understand the success with which the MPL has adopted and disseminated human rights norms by examining how the most widely read news media sites in Brazil have been discussing it.<sup>45</sup> The following chapter examines what constitutes a human rights approach to domestic violence and the context into which the MPL introduced these ideas. In Chapters Three and Four, I then analyze 50 online news stories to gauge what the dominant narrative on the MPL appears to be and how this may reflect and shape the continued process of vernacularization. Lastly, in Chapter Five, I examine how the language of human rights and discussions of Maria da Penha's story play into this process. Ultimately, I find that despite the many flaws in the MPL's implementation and the dangers Merry warns of

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Women in Brazil: Advances and Challenges," *International Journal for Crime, Justice and Social Democracy* 7, no. 1 (2018): 15-29. doi:10.5204/ijcjsd.v7i1.397; Ligia Kiss, et al., "Brazilian Policy Responses to Violence against Women: Government Strategy and the Help-Seeking Behaviors of Women Who Experience Violence," *Health and Human Rights* 14, no. 1 (2012); Carolina Mesquita Oliveira and Maria Ignez Costa Moreira, "The Findings Produced Through Violence Against Women From The Perspective Of The Professionals Of The Specialized Police Delegacy For Assistance To Women Of Betim - MG," *Psicologia Em Revista*, Belo Horizonte, 22, no. 3 (2016): 729-748.

<sup>44</sup> Sally Engle Merry and Peggy Levitt, "The Vernacularization of Women's Human Rights," *Human Rights Futures*, August 2017, <https://doi.org/10.1017/9781108147767.009>.

<sup>45</sup> Reuters Institute for the Study of Journalism, "Digital News Report 2018."

concerning directly replicating human rights standards, the vernacularization of human rights norms that followed from the MPL has been largely successful. Over the past twelve years there appears to have been a drastic shift in how the Brazilian mainstream conceives of domestic violence and of the State's obligation to intrude into the private sphere. Moreover, Maria da Penha's unique prominence, status, and activism within Brazilian society suggests that it is possible to both "replicate" human rights norms and vernacularize them in a way that resonates with traditional values. The MPL therefore offers an interesting example for advocates to look to in seeking to spread human rights ideas on domestic violence in national contexts that may initially appear hostile to them.

## Chapter 2: From Impunity to Protection

### 2.1 The Human Rights Framework on Domestic Violence:

The existence of State obligations with regard to domestic violence has not always been obvious.<sup>46</sup> The Universal Declaration of Human Rights (UDHR) recognizes the “inherent dignity and... equal and inalienable rights of all members of the human family,” “the equal rights of men and women,” and the “freedom from fear and want,”<sup>47</sup> all of which the practice of domestic violence violates. However, the UDHR also establishes a human right to autonomy within the private sphere: “no one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation.”<sup>48</sup> This effectively removed domestic violence from the purview of human rights. Except where domestic violence led to murder, the majority of States did little to intervene.

Developments in international human rights law since 1948 have, however, intruded into the private sphere. The 1966 International Covenant on Economic Social and Cultural Rights (ICESCR) established gender-based violence as discrimination inhibiting the ability of women to enjoy fundamental freedoms and rights, including economic, social, and cultural rights.<sup>49</sup> Article 16 of the 1979 Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) went further by addressing the rights of a woman within the family to be autonomous and not be controlled by her husband.<sup>50</sup> In 1988, General Recommendation (GR) No. 12 of the Committee on

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<sup>46</sup> Dorothy Q. Thomas and Michele E. Beasley, “Domestic Violence as a Human Rights Issue,” *Human Rights Quarterly* 15, no. 1 (1993): 37.

<sup>47</sup> “Universal Declaration of Human Rights,” December 10, 1948, <http://www.un.org/en/universal-declaration-human-rights/>.

<sup>48</sup> “Universal Declaration of Human Rights.”

<sup>49</sup> Columbia Law School Human Rights Clinic and Columbia Law School Gender and Sexuality Law Clinic, “Human Rights and Domestic Violence: An Advocacy Manual” (Columbia Law School, February 2010), 37 <https://www.law.columbia.edu/sites/default/files/microsites/clinics/sexuality-gender/images/domesticviolence5.pdf>.

<sup>50</sup> “Convention on the Elimination of All Forms of Discrimination Against Women,” December 18, 1979, <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>.

the Elimination of Discrimination Against Women explicitly addressed the obligation of States to protect women from domestic violence for the first time.<sup>51</sup> The Committee asserted that “articles 2, 5, 11, 12 and 16 of the Convention require the States parties to act to protect women against violence of any kind occurring within the family, at the work place or in any other area of social life.”<sup>52</sup>

In its 1992 GR No. 19, the Committee on the Elimination of Discrimination Against Women clarified that Article 1 of the CEDAW’s prohibition of discrimination against women also encompasses violence against women within the family and romantic relationships.<sup>53</sup> The GR addressed family violence as “one of the most insidious forms of violence against women”<sup>54</sup> and defined such violence as including “battering, rape, other forms of sexual assault, mental and other forms of violence, which are perpetuated by traditional attitudes.”<sup>55</sup> Women being forced to stay in a violent relationship in the absence of economic independence and the “abrogation of their family responsibilities by men”<sup>56</sup> also constitutes the coercion and violence that concerns human rights bodies.

GR No. 19 emphasized that the basis of the human right to be free from domestic violence is that “these forms of violence put women’s health at risk and impair their ability to participate in family life and public life on a basis of equality.”<sup>57</sup> Lastly, GR No. 19 denoted a State obligation to end violence against women through effective legal and preventative measures.<sup>58</sup> It therefore

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<sup>51</sup> “General Recommendations Made by the Committee on the Elimination of Discrimination against Women,” UN Women, accessed March 14, 2019, <http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm#recom12>

<sup>52</sup> “General Recommendations Made by the Committee on the Elimination of Discrimination against Women.”

<sup>53</sup> Committee on the Elimination of Discrimination Against Women, “General Recommendation No. 19: Violence against Women” (United Nations, 1992), [https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1\\_Global/INT\\_CEDAW\\_GEC\\_3731\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/INT_CEDAW_GEC_3731_E.pdf).

<sup>54</sup> Committee on the Elimination of Discrimination Against Women, “General Recommendation No. 19: Violence against Women.”

<sup>55</sup> Ibid.

<sup>56</sup> Ibid.

<sup>57</sup> Committee on the Elimination of Discrimination Against Women, “General Recommendation No. 19: Violence against Women.”

<sup>58</sup> Ibid.

established a State duty to change “social and cultural patterns of conduct... with a view to achieving the elimination of prejudices and... practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women.”<sup>59</sup>

A State is not responsible under international law for every instance of domestic violence at the hands of a State or non-State actor. It will only be found to violate human rights if “a pattern can be shown that reveals the failure [to prosecute] to be gender discriminatory and thereby a violation of the internationally guaranteed right to equal protection of the law.”<sup>60</sup> However, the Committee on the Elimination of Discrimination Against Women’s 2017 GR No. 35 clarifies that States do have positive obligations, that go beyond prosecution, to prevent violence against women by non-State actors.<sup>61</sup> This “obligation of due diligence”<sup>62</sup> requires State parties to adopt and *diligently* and *effectively* implement: (i) “diverse measures to tackle gender-based violence against women committed by non-State actors, including having laws, institutions and a system in place to address such violence;”<sup>63</sup> and (ii) “measures to eradicate prejudices, stereotypes and practices that are the root causes of gender-based violence against women.”<sup>64</sup> The GR therefore makes it clear that the success of States in changing the social views that lead to situations of the continued “pervasiveness of domestic violence and... culture of impunity”<sup>65</sup> is a human rights concern today.

Lastly, Brazil has similar obligations under two regional treaties: the American Convention on Human Rights of 1969 (the Pact of San José) and the Inter-American Convention on the

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<sup>59</sup> Ibid.

<sup>60</sup> Thomas and Beasley, “Domestic Violence as a Human Rights Issue,” 46.

<sup>61</sup> Committee on the Elimination of Discrimination Against Women, “General Recommendation No. 35 on Gender-Based Violence against Women, Updating General Recommendation No. 19” (Geneva: United Nations, n.d.), [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=INT/CEDAW/GEC/3731&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT/CEDAW/GEC/3731&Lang=en).

<sup>62</sup> Committee on the Elimination of Discrimination Against Women, “General Recommendation No. 35 on Gender-Based Violence against Women, Updating General Recommendation No. 19.”

<sup>63</sup> Ibid.

<sup>64</sup> Ibid.

<sup>65</sup> Ibid.

Prevention, Punishment, and Eradication of Violence against Women of 1995 (the Convention of Belém do Pará).<sup>66</sup> The latter condemns domestic violence and binds the States to “pursue, by all appropriate means and without delay, policies to prevent, punish and eradicate such violence.”<sup>67</sup> These regional treaties are particularly powerful in the Americas, as they have the Inter-American Commission on Human Rights and the Inter-American Human Rights Court to back them up.<sup>68</sup> Yet, Brazil’s neglect of its international obligations continued even after it had signed the Convention of Belém do Pará. It took Brazil’s Congress until 2002 to ratify the CEDAW after the treaty was signed in 1984.<sup>69</sup>

## 2.2 State Indifference to Domestic Violence:

Brazil’s current Constitution of 1988 declares that “[t]he State shall ensure assistance to the family in the person of each of its members, creating mechanisms to suppress violence within the family.”<sup>70</sup> Prior to the MPL, however, the State did little to protect women from domestic violence. Not interfering in ‘private marital disputes’ is a trait deeply engrained in Brazilian society.<sup>71</sup> “Don’t stick a spoon between husband and wife,”<sup>72</sup> goes an old saying. Until the MPL, the State was largely reluctant to hold aggressors accountable for violence against women and this was mirrored in the fundamental concepts underpinning the Brazilian criminal justice system.<sup>73</sup> A technical distinction was attributed to *public* criminal acts deemed offenses “against society as a whole.”<sup>74</sup> Since crimes against men occur mostly in public, while those against women tend to occur in private, Brazil’s

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<sup>66</sup> Spieler, “The Maria da Penha Case and the Inter-American Commission on Human Rights,” 122.

<sup>67</sup> Ibid.

<sup>68</sup> Ibid.

<sup>69</sup> Ibid.

<sup>70</sup> Ibid.

<sup>71</sup> Secretaria Especial de Políticas para as Mulheres and Ministério da Justiça e Cidadania, “Viver sem violência é direito de toda mulher: entenda a lei maria da penha” (UNFPA, August 1, 2016), [https://brazil.unfpa.org/sites/default/files/pub-pdf/LMP\\_pt.pdf](https://brazil.unfpa.org/sites/default/files/pub-pdf/LMP_pt.pdf).

<sup>72</sup> “Entre marido e mulher não se mete a colher.”

<sup>73</sup> Roure, “Domestic Violence in Brazil: Examining Obstacles and Approaches to Promote Legislative Reform,” 76.

<sup>74</sup> Ibid., 75.

approach to criminal law was inherently discriminatory. It created a “cultural ethos that qualifies these acts [i.e. against women] as a lesser form of violence.”<sup>75</sup>

Private sphere offenses consequently tended to receive less severe punishment, chiefly because most instances of domestic violence were relegated to the realm of civil law.<sup>76</sup> Even if a domestic violence survivor prevailed in her claim, the aggressor’s punishment frequently amounted to no more than donating a food basket to charity.<sup>77</sup> Domestic violence and violence against women were therefore trivialized.<sup>78</sup> Brazilian judges also historically accepted the so-called “legitimate honor defense,”<sup>79</sup> through which a man could be absolved for killing his wife if she had allegedly been unfaithful.<sup>80</sup> The honor defense treated a woman’s adultery (or alleged adultery) as an assault on her husband’s ‘marital honor’ equivalent to an act of physical aggression against which he was entitled to defend himself.<sup>81</sup> Similarly, men claiming to have killed a partner out of “violent emotion” could rely on the “privileged homicide” doctrine to reduce their sentence.<sup>82</sup> A culture of impunity has thus historically permeated Brazilian society and institutions, presenting a great challenge to any attempts to vernacularize the human rights demands that would challenge this subordination of women.

## **2.3 Translating Human Rights Demands into the Brazilian Context:**

In order to examine how the MPL impacted Brazilian society, it is crucial to understand the context into which it was introduced. As we will see, the MPL was enacted in a society where

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<sup>75</sup> Ibid.

<sup>76</sup> Ibid., 76.

<sup>77</sup> Ibid., 81.

<sup>78</sup> Kiss, et al., “Brazilian Policy Responses to Violence against Women: Government Strategy and the Help-Seeking Behaviors of Women Who Experience Violence,” 155.

<sup>79</sup> Laura Sue Nelson, “The Defense of Honor: Is It Still Honored in Brazil Comment,” *Wisconsin International Law Journal* 11 (1993 1992): 532-533.

<sup>80</sup> Nelson, “The Defense of Honor,” 534.

<sup>81</sup> Ibid., 534-5.

<sup>82</sup> Katherine M. Culliton, “Finding a Mechanism to Enforce Women’s Right to State Protection from Domestic Violence in the Americas,” *Harvard International Law Journal* 34 (1993): 516.



women's groups had already to some extent translated human rights demands on domestic violence into the national setting, but impunity remained the norm. The MPL therefore did not introduce human rights protections and ideas into a complete vacuum and, in this sense, did not purely "replicate"<sup>83</sup> them in a setting in which they had no roots. Brazilian women's movements had played an important role in demanding protections for women leading up to and including the MPL. They acted as the original "translators"<sup>84</sup> of international human rights norms on domestic violence. At the end of the 1970s, violence against women quickly emerged as a top priority for Brazilian feminist movements when Brazil began to return to democracy.<sup>85</sup> Outrage at the acquittals of men who had murdered their wives through the honor defense triggered much of this activism.<sup>86</sup>

During the 1980s, some feminist organizations worked with the State in developing a legal framework for violence against women. They successfully fought to secure provisions in the 1988 constitution guaranteeing equal protection under the law for women and requiring the State to protect women from domestic violence.<sup>87</sup> Activists also succeeded in having the government view domestic violence as something that needed to be addressed from a number of angles. The State thus began to offer other services, such as shelters for domestic violence survivors and reference centers for women.<sup>88</sup> More importantly, in the 1980s, female police stations for the investigation and prosecution of violence against women emerged as the dominant approach to domestic violence.<sup>89</sup> These were staffed entirely by women and were widely viewed as a victory for

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<sup>83</sup> Merry, "Transnational Human Rights and Local Activism," 39.

<sup>84</sup> Ibid., 39.

<sup>85</sup> Santos, "Da delegacia da mulher à Lei Maria da Penha: Absorção/tradução de demandas feministas pelo estado," 153–154.

<sup>86</sup> Ibid., 154.

<sup>87</sup> Nelson, "The Defense of Honor," 532.

<sup>88</sup> Wânia Pasinato, "Oito anos de Lei Maria da Penha: entre avanços, obstáculos e desafios," *Estudos Feministas* 23, no. 2 (2015): 533–45.

<sup>89</sup> Santos, "Da delegacia da mulher à Lei Maria da Penha," 161.

women's groups in Brazil.<sup>90</sup> Women police officers, it was believed, would be inherently more sympathetic to issues faced by other women and therefore better able to help them. In reality, however, female officers often met survivors with as much discrimination as male officers and impunity for domestic violence remained the norm.<sup>91</sup> During the 1990s, women's groups continued to fight the trivialization of domestic violence by calling for other services specifically for women, such as specialized women's courts.<sup>92</sup>

## **2.4 Maria da Penha and the MPL:**

Maria da Penha's case before the IACHR was the catalyst that pushed the State to finally adopt human rights norms into its legislation, as women's groups had long been demanding. In its 2001 decision, the IACHR found that, by failing to prosecute and convict Maria da Penha's former husband, the Brazilian government was committing an ongoing violation of the Convention of Belém do Pará.<sup>93</sup> Not only was the state worsening the consequences of the aggressions she suffered, but the whole Brazilian justice system was condoning domestic violence in a way that "only serve[d] to perpetuate the psychological, social, and historical roots and factors that sustain and encourage violence against women."<sup>94</sup> Maria da Penha's case made clear that Brazil's progress in protecting women from domestic violence until then had been largely superficial. The State could not be counted on to protect a woman's right to life and equal protection under the law.

Subsequently, the State changed its position and gave women's groups a formal role in creating legislation to fight domestic violence. The last turning point in the relationship between

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<sup>90</sup> Roure, "Domestic Violence in Brazil: Examining Obstacles and Approaches to Promote Legislative Reform," 67-98.

<sup>91</sup> Sara Nelson, "Constructing and Negotiating Gender in Women's Police Stations in Brazil," *Latin American Perspectives* 23, no. 1 (1996): 145.

<sup>92</sup> Nelson, "Constructing and Negotiating Gender in Women's Police Stations in Brazil," 161.

<sup>93</sup> United Nations Development Fund for Women, "Who Answers to Women? Gender and Accountability."

<sup>94</sup> Ibid.

feminist demands and State action prior to the MPL came in 2002, when the federal government created the National Secretariat of Politics for Women.<sup>95</sup> This new governmental agency worked to coordinate all of the various responses to violence against women and eventually drafted the legislation that would become the MPL.<sup>96</sup> Civil society organizations were heavily involved in the Secretariat of Politics for Women's work.<sup>97</sup> Throughout this process, women groups relied heavily on the language of international human rights treaties to enhance leverage with the government in light of the IACHR decision and the fact that Brazil had finally ratified the CEDAW in 2002.<sup>98</sup> Such a demonstration of "enthusiasm for rights discourse"<sup>99</sup> in this setting supports Merry and Levitt's claim that "even in situations in which [the human rights framework] does not have a strong resonance. ... perhaps the most important contribution is access to allies outside the local community."<sup>100</sup> The fact that Brazil finally took action and embedded human rights norms on domestic violence in national legislation after the IACHR's found Brazil to be condoning domestic violence would seem to confirm Merry and Levitt's assertion of the value of human rights bodies in helping advocates.<sup>101</sup>

The passing of the MPL represented a great victory for all advocates for the human rights of women. Pasinato, Roure and De Ávila all argue that one of the greatest achievements of the law was that, in criminalizing domestic violence, it "framed gender inequality as a violation of human rights."<sup>102</sup> This is important because of the symbolic power of criminal law to "recognize the

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<sup>95</sup> Angelim and Diniz, "O pessoal torna-se político: o papel do estado no monitoramento da violência contra as mulheres," 264.

<sup>96</sup> Ibid.

<sup>97</sup> Roure, "Domestic Violence in Brazil: Examining Obstacles and Approaches to Promote Legislative Reform," 92.

<sup>98</sup> Nelson, "Constructing and Negotiating Gender in Women's Police Stations in Brazil," 84.

<sup>99</sup> Merry and Levitt, "The Vernacularization of Women's Human Rights," 215.

<sup>100</sup> Ibid, 234.

<sup>101</sup> *Lei N° 11.340, de 7 De agosto De 2006.*

<sup>102</sup> Pasinato, "The Maria da Penha Law: 10 Years on," 161.

seriousness of human rights violations and to induce social change.”<sup>103</sup> As a result, the MPL would serve as an “example for other countries by illustrating the value of international human rights law as a tool to help eradicate violence against women domestically.”<sup>104</sup> Similarly, in praising Brazil’s passing of the MPL, the United Nations Development Fund for Women (UNIFEM) stressed that a “substantive approach to gender equality requires legislative frameworks to be restructured in order to ensure that constitutional commitments are reflected in national legislation.”<sup>105</sup>

UNIFEM acclaimed the MPL as “one of the most advanced examples of domestic violence legislation”<sup>106</sup> because it created a multiplicity of mechanisms, including psychosocial assistance for survivors and specialized tribunals.<sup>107</sup> Other key innovations the MPL introduced were protective measures for women in situations of violence and the eradication of the honor defense and trivial punishments such as fines or demanding the aggressor to donate goods.<sup>108</sup> Additionally, the law eliminated plea-bargaining and mandatory conciliation as State responses to domestic violence.<sup>109</sup> Physical violence became a mandatory prosecution crime, police became able to arrest men caught in the act of committing physical violence, and third-parties gained the ability to report physical violence to the police.<sup>110</sup> While a survivor’s consent is needed to prosecute an aggressor for moral and psychological violence or threats, it became much more difficult to withdraw a

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<sup>103</sup> Thiago Pierobom de Ávila, “Facing Domestic Violence Against Women in Brazil: Advances and Challenges,” *International Journal for Crime, Justice and Social Democracy* 7, no. 1 (2018): 25.

<sup>104</sup> Roure, “Domestic Violence in Brazil: Examining Obstacles and Approaches to Promote Legislative Reform,” 83.

<sup>105</sup> United Nations Development Fund for Women, “Who Answers to Women? Gender and Accountability,” Progress of the World’s Women 2008/2009 (New York: UNIFEM, 2009), <http://www.unwomen.org/-/media/headquarters/media/publications/unifem/poww08reportfulltext.pdf?la=en&vs=1016>

<sup>106</sup> United Nations Development Fund for Women, “Who Answers to Women? Gender and Accountability.”

<sup>107</sup> Ibid.

<sup>108</sup> De Ávila, “Facing Domestic Violence Against Women in Brazil: Advances and Challenges,” 19.

<sup>109</sup> Ibid.

<sup>110</sup> Ibid.

complaint and impossible to do so after an indictment.<sup>111</sup> At least on paper, the MPL represents a clear break with the State's tradition of promoting impunity.

The importance of human rights bodies in shaping the language of the law is explicitly recognized in the MPL. The law's preamble establishes its mandate to create mechanisms to "curb and prevent domestic and family violence against women"<sup>112</sup> under the constitution, the CEDAW, and the Convention of Belém do Pará, among other international treaties.<sup>113</sup> Moreover, in its response to the IACHR's decision in Maria da Penha's case, Brazil stated that the law was a response to the recommendations of the Committee on the Elimination of Discrimination against Women and an attempt to effectively implement the Convention of Belém do Pará.<sup>114</sup>

Even the definition of domestic violence that the MPL adopted represents a remarkable step forward. Previously, if there were no physical marks, a woman was deemed not to have suffered any form of violence. Consistent with GR No. 19, the MPL defines domestic and family violence as any form of physical, psychological, sexual, patrimonial, or moral violence done by any current or former intimate partner, spouse, or relative.<sup>115</sup> Additionally, the MPL recognizes the State's obligation to fulfill the fundamental human rights to "life, security, health, food, education, culture, housing, justice, sports, leisure, work, citizenship, freedom, dignity, and respect to community and family life."<sup>116</sup> The government promises to roll out policies that work towards guaranteeing these human rights for all women in the domestic and family settings.<sup>117</sup>

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<sup>111</sup> Ibid.

<sup>112</sup> *Lei Nº 11.340, de 7 De agosto De 2006*, my translation.

<sup>113</sup> Ibid.

<sup>114</sup> Inter-American Commission on Human Rights, *IACHR Annual Report 2008*.

<sup>115</sup> *Lei Nº 11.340, de 7 De agosto De 2006*.

<sup>116</sup> Ibid.

<sup>117</sup> Ibid.

Other human rights principles can be found as a base throughout the articulation of the MPL's provisions. For example, the MPL guarantees that "assistance to women in situations of domestic and family violence will include access to the benefits resulting from scientific and technological innovations."<sup>118</sup> This language mirrors Article 15 of the ICESCR, which recognizes the right to "enjoy the benefits of scientific progress and its applications."<sup>119</sup> If the connection of human rights to domestic violence was not historically evident, the relation of this economic and social right to domestic violence is even less so. The inclusion of this human right in Brazil's domestic violence policy therefore demonstrates just how comprehensive a human rights policy the State was trying to adopt. The MPL is not only about domestic violence, but about the human rights of women much more broadly. By choosing to use the phrase "women in situations of violence,"<sup>120</sup> rather than the word "victim," the State emphasizes this ambition. Moreover, as a result of this human rights approach, which embraces the universality of human rights, the MPL was the first legislation in Brazil to extend equal protection to women in same-sex relationships.<sup>121</sup> In Merry's spectrum, the MPL is therefore clearly much closer to the "replication" of human rights norms than their "hybridization."

The MPL is more than just a law criminalizing domestic violence. It is a broad human rights policy that creates obligations and responsibilities for governmental bodies across sectors to prevent domestic violence and protect the rights of women.<sup>122</sup> As such, it has required changes to be made at the federal, state, and local levels, cutting across the judicial and education systems;

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<sup>118</sup> Ibid., my translation.

<sup>119</sup> "International Covenant on Economic, Social and Cultural Rights" (United Nations General Assembly, 1966), <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>.

<sup>120</sup> *Lei N° 11.340, de 7 De agosto De 2006*, my translation.

<sup>121</sup> "Violência contra mulheres lésbicas, bis e trans," Dossiê Violência contra as Mulheres, accessed April 20, 2019, <https://dossies.agenciapatriciagalvao.org.br/violencia/violencias/violencia-contra-mulheres-lesbicas-bis-e-trans/>.

<sup>122</sup> Pasinato, "Oito anos de Lei Maria Da Penha: entre avanços, obstáculos e desafios," 534.

health, social and employment services; and social security, to name a few.<sup>123</sup> Previous Brazilian approaches to domestic violence feature in the MPL through these services that cater specifically to women. The impact of previous activism is most evident in the fact that the law established the specialized women's police stations and police forces as the national approach to domestic violence.<sup>124</sup> The MPL also provides for shelters for women in danger who have nowhere else to go, emergency funds to pay for food for women and their children who are financially dependent on an abusive partner and assistance finding a job.<sup>125</sup> If the source of domestic violence is tied to a woman's workplace, the law allows her to stay away from work for up to six months without losing her job. Additionally, the MPL provides for re-education services for those convicted under it after they have completed their sentences.<sup>126</sup>

In short, a human rights approach to domestic violence entails a broad understanding of violence not limited to physical aggression. It requires a recognition of all the ways in which violence can damage the enjoyment by women of a host of their other human rights, and acknowledgment of the State's duty to intervene in the private sphere to protect women from domestic violence and to change the societal norms that make domestic violence pervasive. The MPL clearly embraces such a vision of domestic violence. Article 2 asserts that every woman "enjoys the inherent fundamental human rights, to be guaranteed the opportunities and facilities to live without violence, to preserve her physical and mental health, and to moral, intellectual, and social improvement."<sup>127</sup> Moreover, the breadth of the policy was also intended precisely to go beyond a merely superficial acknowledgment of international human rights norms and to ensure

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<sup>123</sup> Ibid.

<sup>124</sup> De Avila, "Facing Domestic Violence Against Women in Brazil," 19.

<sup>125</sup> Secretaria Nacional de Políticas para as Mulheres, Mulheres Secretaria de Governo, and Presidência da República, "Entenda a Lei Maria da Penha."

<sup>126</sup> Ibid.

<sup>127</sup> *Lei N° 11.340, de 7 De agosto De 2006*, my translation.

their adoption and absorption across all governmental agencies and all of Brazilian society.<sup>128</sup> This process is even addressed explicitly: “it is the responsibility of the family, of society, and of the State to create the conditions necessary for effectively exercising [these] rights.”<sup>129</sup> There is therefore little room for doubt that the MPL is a human rights law and that its implementation and social acceptance represent an interesting case study of the vernacularization of human rights that largely replicates rather than hybridizes its norms.

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<sup>128</sup> Secretaria Nacional de Políticas para as Mulheres, Mulheres Secretaria de Governo, and Presidência da República, “Entenda a Lei Maria da Penha.”

<sup>129</sup> Ibid.



## Chapter 3: Online News Discussions on the MPL

### 3.1 Understanding Perceptions of the MPL Through Brazilian Online News:

While Brazilians can access government publications on the MPL, their understanding of the law is more likely to come from the media, if not their own direct experiences. Since 90% of Brazilians consume their news online (either directly accessing online news sites or reading stories shared on social media), popular views on the MPL are shaped at least in part by online news.<sup>130</sup> Journalists have the power to negatively impact public perceptions of domestic violence because their words have the power to “distort reality and consequently distort public opinion” by, for example, portraying the woman in a situation of violence as somehow ‘deserving’ of it.<sup>131</sup> Conversely, portrayals of domestic violence in the media are also able to positively impact the protections and services provided for survivors, increasing public support for services aiding them.<sup>132</sup> More profoundly, public discussions on domestic violence can even contribute to making public attitudes more supportive of survivors and lead people to question the very power structures in relationships that are at the root of the issue.

Human rights documents have consequently recognized the importance of the media in shaping societal norms that are crucial to the successful fulfillment of human rights. As a result, GRs No. 19 and 35 recommend States work to ensure the media “respect and promote respect for women,”<sup>133</sup> cease any discriminatory portrayals of women, and even issue guidelines “for the appropriate coverage by the media of cases of gender-based violence against women.”<sup>134</sup> The

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<sup>130</sup> Reuters Institute for the Study of Journalism, “Digital News Report 2018.”

<sup>131</sup> Kohlman et al., “Contribution of Media to the Normalization and Perpetuation of Domestic Violence.”

<sup>132</sup> Carlyle et al., “Newspaper Coverage of Intimate Partner Violence: Skewing Representations of Risk.”

<sup>133</sup> Committee on the Elimination of Discrimination Against Women, “General Recommendation No. 19: Violence against Women.”

<sup>134</sup> Committee on the Elimination of Discrimination Against Women, “General Recommendation No. 35 on Gender-Based Violence against Women, Updating General Recommendation No. 19.”

importance of the media has also been emphasized in official Brazilian State discourse. For example, a year after promulgating the law, the State measured its success by how “society has mobilized broadly around the question of violence against women, and the media have broadly publicized the issue.”<sup>135</sup> Moreover, in the 1990s the media played a central role in promoting the expansion of the specialized police stations by publicizing them in a way that led voters to demand them around Brazil.<sup>136</sup> The power of the media in conveying and shaping pro- or anti-human rights ideas is thus widely recognized.

On January 2, 2019, I performed a search on the MPL on five of the most widely read online news sources in Brazil. The University of Oxford’s Reuters Institute found, in its 2018 *Digital News Report* that in the previous week respondents had visited online news sites at the following rates: *Globo News (GI)* – 48%; *UOL* – 44%, *O Globo* – 33%; *MSN News* – 27%; *A Folha de São Paulo* – 26%; *Yahoo News* – 26%; *Terra News* – 20%.<sup>137</sup> *MSN News* and *Yahoo News* do not permit for a search on their website exclusive to their original content. As a result, I excluded those and drew from the other five. I examined the top ten results that appeared when I searched “Lei Maria da Penha” on each of the five news sites.<sup>138</sup> The 50 articles and videos are all in Portuguese.<sup>139</sup> This study therefore sheds light on discourse that was previously inaccessible to

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<sup>135</sup> Inter-American Commission on Human Rights, *IACHR Annual Report 2008*, Washington: Organization of American States, 2008. <https://www.cidh.oas.org/annualrep/2008eng/Chap3.g.eng.htm>.

<sup>136</sup> Santos, “Da delegacia da mulher à Lei Maria da Penha,” 158.

<sup>137</sup> Reuters Institute for the Study of Journalism, “Digital News Report 2018” (Oxford: Oxford University, 2018), <http://media.digitalnewsreport.org/wp-content/uploads/2018/06/digital-news-report-2018.pdf?x89475>.

<sup>138</sup> I used some editorial oversight and did not consider stories that had no relation to the MPL that appeared in the search results erroneously. Some of the results that came up were videos originally from local television news or from blogs that the newspapers run, all of which I used. In the case of Terra, which is an internet provider, many of the articles were ones from other journalistic outlets that were republished. I kept all of these because I am not interested in the quality of the sources, but in what the greatest number of Brazilians are likely to have read. The only cases in which I dismissed an article was in the case of two blogs that came up in search results for UOL which provide legal and educational resources respectively, because they were not journalistic in nature.

<sup>139</sup> While some discourse analyses look at several hundred articles, others have been done that look at only 50 articles (see: Eugenie P. Almeida, “Palestinian And Israeli Voices in Five Years of U.S. Newspaper Discourse,” *International Journal of Communication* 5 (2011): 1586–1605). I look at only 50 in order to do a more in depth qualitative analysis within the limits of the scope of this paper.

international human rights conversations. While I cannot claim the Brazilian news is not sensationalist, it is important to note that Brazil has a free press.<sup>140</sup> *Grupo Globo*, however, which owns *G1* and *O Globo*, has a strong hegemony in the media.<sup>141</sup> Moreover, another company owns both *Folha de São Paulo* and *UOL*.<sup>142</sup> The aim of this investigation is not to exhaustively examine what about the MPL has been discussed in the Brazilian news or even to judge the quality of the journalism. Rather, the purpose is to qualitatively examine a small cross section of the discussions on the MPL that have been reaching Brazilians in the past year to see if it reveals any indicators of how the MPL has been vernacularized and adopted in Brazilian society in the period that coincided with a political turn to the right.

### 3.2 Narratives on the Successes of the MPL:

The narratives on the success of the MPL in protecting women both reflect the tangible results of the vernacularization of human rights domestic violence norms and send the message that the law can be relied on for protection. Of the 50 articles and videos examined, 19 in some way discuss the successes of the MPL. The largest body of positive coverage focuses on the law's ability to protect women who suffered from domestic violence after a first instance of abuse is reported and its ability to prevent further violence. Three news stories, all from *G1*, discuss individual instances of a man being detained and charged for committing acts of domestic violence, or threatening to kill, his mother, wife, or ex-girlfriend.<sup>143</sup> The journalists generally frame these

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<sup>140</sup> Reuters Institute for the Study of Journalism, "Digital News Report 2018."

<sup>141</sup> Intervozes and Reporters Without Borders, "The World of Globo," Media Ownership Monitor, accessed April 3, 2019, <https://brazil.mom-rsf.org/en/findings/concentration/>.

<sup>142</sup> Intervozes and Reporters Without Borders, "UOL," accessed April 3, 2019, <https://brazil.mom-rsf.org/en/media/detail/outlet/uol/>.

<sup>143</sup> JA 2ª Edição, "Homem é preso suspeito de agredir a mãe idosa em Goiânia," Globo Play, December 27, 2018, <https://globoplay.globo.com/v/7261608/>; G1 Presidente Prudente, "Após agredir e ameaçar a esposa, idoso tenta atingir policiais com golpes de extintor de incêndio e acaba preso," G1, December 27, 2018, <https://g1.globo.com/sp/presidente-prudente-regiao/noticia/2018/12/27/apos-agredir-e-ameacar-a-esposa-idoso-tenta-atingir-policiais-com-golpes-de-extintor-de-incendio-e-acaba-preso.ghtml>; G1 Mugi das Cruzes e Suzano, "Pedreiro é preso em Mogi depois de descumprir medida protetiva da Lei Maria da Penha," G1, September 3, 2018,

instances of violence as regrettable but portray the MPL as working well to ensure there is no impunity for domestic violence and violations of restraining orders. For example, the man who beat and threatened his mother was caught for violating his restraining order because he had been required to wear a tracking device around his ankle.<sup>144</sup> Law enforcement services are therefore portrayed as highly effective: “the civil police were monitoring everything and now issued a warrant for preventative prison...awaiting judgment.”<sup>145</sup> This governmental tracking and punishment sounds like a far cry from Brazil’s tradition of impunity.

Discussions of the range of services provided under the MPL and how women are able to use them reflects how, true to its human rights promises, the State has spread the MPL to various sectors. Additionally, such conversations in the media may inform women who did not know of all these services that the MPL provides for more than criminalization. A UOL article commemorating the twelfth anniversary of the MPL describes the law as providing specialized services attending to women in every state.<sup>146</sup> The article quotes the National Agency for Women’s Policies in claiming that the MPL effectively provides specialized police stations for women, shelters, specialized courts and prosecutors, health units, mobile support units, and even Houses of the Brazilian Woman, (centers intended to conveniently assemble all of these services in one location).<sup>147</sup> Furthermore, the article refers to how quickly a commissioner is able to issue the first protective measures when a woman seeks out protection and how the MPL does not permit for alternative punishments to imprisonment.<sup>148</sup> This praise is not unfounded. Some studies

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<https://g1.globo.com/sp/mogi-das-cruzes-suzano/noticia/2018/09/03/pedreiro-e-presos-em-mogi-depois-de-descumprir-medida-protetiva-da-lei-maria-da-penha.ghtml>.

<sup>144</sup> JA 2ª Edição, “Homem é preso suspeito de agredir a mãe idosa em Goiânia.”

<sup>145</sup> Ibid.

<sup>146</sup> Portal Brasil, “12 anos da Lei Maria da Penha: como denunciar violência?” UOL TV Jornal, August 8, 2018, <https://tvjornal.ne10.uol.com.br/noticia/ultimas/2018/08/08/12-anos-da-lei-maria-da-penha-como-denunciar-violencia-46617.php>.

<sup>147</sup> Portal Brasil, “12 anos da Lei Maria da Penha: como denunciar violência?”

<sup>148</sup> Portal Brasil, “12 anos da Lei Maria da Penha: como denunciar violência?”

indicate that the MPL was widely used as a legal tool from the moment the it was passed. For instance, data compiled by the National Council for Justice (CNJ) in 2010 revealed that in the first four years of the MPL 331,796 cases were brought and 110,998 sentences were issued.<sup>149</sup> The Institute for Applied Economics Research (IPEA) claimed that the MPL perfected jurisdictional mechanisms to enable the criminal justice system to better respond to domestic violence and thus directly correlated with a decrease in gender-based violence from 2006 to 2015.<sup>150</sup>

Given that domestic violence occurs in the home, these services can only effectively protect and fulfill the human rights of women if they seek them out. Talk of women using the MPL's services therefore reflects women understanding that they do not have to endure domestic violence and accepting the MPL's help. One video interviews a prosecutor who emphasizes that "the [women's] police stations really work; [they're] overwhelmed with lawsuits. Every day, women are protected by the MPL, every day women seek out restraining orders."<sup>151</sup> The prosecutor emphasizes that the number of women who *are* saved on a daily basis because they seek out the MPL is of undeniable significance. Elza Paulina, the Inspector Superintendent of the Metropolitan Civil Guard's Maria da Penha Guardian program for State of São Paulo echoes this in a *Folha de São Paulo* article.<sup>152</sup> In the past four years, the program she coordinates has "already responded to 1,232 cases and has conducted over 40,000 home visits to protect women who were being

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<sup>149</sup> Secretaria de Políticas para as Mulheres and Presidência da República, *Pacto nacional pelo enfrentamento à violência contra as mulheres*. Coleção Enfrentamento À Violência Contra As Mulheres. Brasília: Assessoria de Comunicação da Secretaria de Políticas para as Mulheres, 2011.

<sup>150</sup> Daniel Cerqueira, Mariana Matos, Ana Paula Antunes Martins, and Jony Pinto Junior, *Avaliando a efetividade da Lei Maria da Penha*. 2048 Texto Para Discussão. Brasília: IPEIA, 2015. [http://www.ipea.gov.br/portal/images/stories/PDFs/TDs/td\\_2048k.pdf](http://www.ipea.gov.br/portal/images/stories/PDFs/TDs/td_2048k.pdf).

<sup>151</sup> Bom Dia RN, "Livro discute gênero, justiça penal e Lei Maria da Penha," Globo Play, December 20, 2018, <https://globoplay.globo.com/v/7195622/>, my translation.

<sup>152</sup> Ricardo Kotscho, "Inspetora da GCM é guardiã das vítimas de violência doméstica na cidade de SP," *Folha de S.Paulo*, December 23, 2018, <https://www1.folha.uol.com.br/cotidiano/2018/12/inspetora-da-gcm-e-guardia-das-vitimas-de-violencia-domestica-na-cidade-de-sp.shtml>.

threatened.”<sup>153</sup> These portrayals of the MPL as a law that works *de facto* suggest that the vernacularization of human rights demands on violence against women in the MPL has been successful as far as rights-awareness and willingness to engage with legal mechanisms are concerned. Moreover, these stories indicate to women that the Law is there for their protection.

The online news provides up to date information on the extent to which the MPL has been able to offer concrete legal protection and services for women. However, the studies on the power of the media in shaping views on domestic violence would also suggest that the extent to which the media portrays the MPL as successful in doing so could also shape whether women trust it and will be willing to engage with the law’s services.<sup>154</sup> These positive messages about the ability of the MPL to protect women, not only reflect that this may be a prevalent view in Brazilian society, but also have the potential to spread confidence in the law’s protective powers. Conversely, the media could be sending the message to aggressors that the law is there to protect women and that they should expect consequences for their violence.

### **3.3 Discussing the Limitations of the MPL:**

The views expressed on the implementation of the MPL are by no means all positive. In fact, 32 of the 50 news stories discuss some limitations or challenges to the implementation of the law. This may reflect the fact that domestic violence is not a top priority for the government and for voters, or may to some extent suggest to women that it is not a resource they can rely on. However, it appears that these narratives also reflect something positive about how the MPL has disseminated human rights norms. Where the government is shown to be ineffective in its implementation of the law, this is portrayed as a failure of its duties and something that needs to be changed. One article cites a study by the *Fundação Getúlio Vargas*, which found that over half

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<sup>153</sup> Kotscho, “Inspetora da GCM é guardiã das vítimas de violência doméstica na cidade de SP.”

<sup>154</sup> Carlyle et al., “Newspaper Coverage of Intimate Partner Violence: Skewing Representations of Risk.

of the Brazilian population finds the MPL to be ineffective.<sup>155</sup> This suggests Brazilians expect more of their government with regard to domestic violence and could therefore be a positive indicator of how expectations in relation to human rights demands have been adopted. Concerns about the State's investment are echoed in local news stories, emphasizing how it has been 15 years since a women's police station opened in Rio Grande do Norte and that the whole state only has five to serve its women.<sup>156</sup> In this sense, the media is sending the message to readers that most other Brazilians consider the law to be ineffective. Such critiques of the MPL echo the concerns a number of scholars have been expressing. about the poor funding, staffing, organization, coordination, and availability of the judicial and extrajudicial mechanisms that the law created (Roure 2009; Acebes 2017; Pasinato 2015; De Campos 2015).<sup>157</sup> The media therefore does not appear to be unjustly critical of the Law's implementation: it *is* deeply flawed.

However, discussions of the limited implementation of the MPL do not discredit the progress it has been able to make and could even open a window for greater demand for its improved implementation. As one prosecutor stated in an interview, "I could say it was a perfect law, if it were not for the lack of infrastructure and investment in human and material resources for its complete effectiveness."<sup>158</sup> This would suggest that the law itself is not seen as problematic, but the State is seen as not doing enough to fulfil its potential. In this regard, there could be some

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<sup>155</sup> Carlos Madeiro, "Após 35 anos da violência contra mim, a negligência permanece no país, diz Maria da Penha," UOL Notícias, March 8, 2018, <https://noticias.uol.com.br/cotidiano/ultimas-noticias/2018/03/08/apos-35-anos-da-violencia-contra-mim-a-negligencia-permanece-no-pais-diz-maria-da-penha.htm>.

<sup>156</sup> Bom Dia RN, "Livro discute gênero, justiça penal e lei Maria da Penha," Globo Play, December 20, 2018, <https://globoplay.globo.com/v/7195622/>.

<sup>157</sup> Roure, "Domestic Violence in Brazil: Examining Obstacles and Approaches to Promote Legislative Reform," 86; César Muñoz Acebes, *"One Day I'll Kill You": Impunity in Domestic Violence Cases in The Brazilian State of Roraima*. Human Rights Watch, 2017. [https://www.hrw.org/sites/default/files/report\\_pdf/brazil0617\\_web.pdf](https://www.hrw.org/sites/default/files/report_pdf/brazil0617_web.pdf); Pasinato, "Oito anos de Lei Maria da Penha: entre avanços, obstáculos e desafios," 533-45; Carmen Hein De Campos, "Desafios Na Implementação Da Lei Maria Da Penha." Revista Direito GV 11, no. 2 (2015): 391-406.

<sup>158</sup> Camila Eiroa, "Mitos e verdades da Lei Maria da Penha," Trip, October 9, 2018, <https://revistatrip.uol.com.br/trip-transformadores/mitos-e-verdades-sobre-a-lei-maria-da-penha-por-gabriela-manssur>

value in the very fact that the media is covering the limitations of the implementation. The problems with the poor implementation and funding of the MPL are at least being discussed in a forum Brazilians can access, and are being framed as something alarming. Since the news media is one of the “socializing agents that help create the public’s perception of the issue,”<sup>159</sup> such coverage could indicate that issues in the MPL’s implementation are of at least some concern to Brazilians. Moreover, Pasinato, quoted in one of the articles emphasizes the need for voters to require better implementation from their elected officials. According to her, it is not new policies that are needed but rather that people demand that the government fulfill the guarantees it made in the MPL.<sup>160</sup> As Carlyle et al. suggest, knowledge of the problems, such as what the media provides in these cases, could be an important contributing factor to people demanding change from their elected officials.<sup>161</sup>

Lastly, as far as the biases of those providing services to women under the MPL are concerned, one article suggests there has been a positive trajectory over the past 12 years. Pasinato, Oliveira, and Moreira claim that service providers and judges who specialize in gender-based violence are still under the influence of victim-blaming biases and vestiges of the “honor” and “violent emotion” defenses that predated the MPL.<sup>162</sup> They thus promote the “re-victimization”<sup>163</sup> of women. One article, however, quotes a public prosecutor, who claims to have seen much improvement in this respect: “over the course of these 12 years, a large part of the institutions and

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<sup>159</sup> Carlyle et al., “Newspaper Coverage of Intimate Partner Violence: Skewing Representations of Risk.”

<sup>160</sup> Renata Moura, “O trágico fim de três brasileiras que morreram no lugar mais perigoso para mulheres: a própria casa,” Terra, November 8, 2018, <https://www.terra.com.br/noticias/brasil/o-tragico-fim-de-tres-brasileiras-que-morreram-no-lugar-mais-perigoso-para-mulheres-a-propria-casa,6e1463c16496df43c55d6c978634cbdbqdz0f6x.html>.

<sup>161</sup> Carlyle et al., “Newspaper Coverage of Intimate Partner Violence: Skewing Representations of Risk.”

<sup>162</sup> Carolina Mesquita Oliveira and Maria Ignez Costa Moreira, “The Findings Produced Through Violence Against Women from The Perspective of The Professionals of The Specialized Police Delegacy for Assistance to Women of Betim - MG,” *Psicologia Em Revista, Belo Horizonte* 22, no. 3 (2016): 729-748.

<sup>163</sup> Oliveira and Moreira, “The Findings Produced Through Violence Against Women from The Perspective of The Professionals of The Specialized Police Delegacy for Assistance to Women of Betim – MG,” 729-748.



professionals who act in the application of the law have shown themselves to be increasingly conscious and sensitive to the fact that, in crimes of violence against women, isolated punishment is not sufficient. What is needed is welcoming services for the women.”<sup>164</sup> While she does not claim the change in the attitudes of service providers has completely eradicated the problems Pasinato, Oliveira, and Moreira mention, the prosecutor suggests that there *has* been undeniable social progress. While this is only one woman’s observation, it could suggest to women who may have had bad experiences with the MPL’s services in the past that they can expect to be better understood and treated by State agents.

### **3.4 Talk of Improvements to the MPL:**

Stories of improvements to the MPL’s implementation suggest that the law is still of sufficient political and social importance for the government to work on its improvement. Despite insufficient investment in the MPL’s implementation, it is not a law the government passed and forgot about, but a work in progress with new elements continually being added. Years after the law was passed, in 2011, the SPM attempted to consolidate these services under one unified network of services to combat domestic violence.<sup>165</sup> While the government had created a national domestic violence hotline (Ligue 180) in 2005, it greatly expanded the service under the MPL.<sup>166</sup> This service is free, runs 24 hours a day, and is confidential.<sup>167</sup> Primarily, the function of the hotline is to provide information about the network of services under the MPL, informing women on their rights and forwarding their calls to the appropriate service provider.<sup>168</sup> As of 2014, the hotline also

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<sup>164</sup> Eiroa, “Mitos e verdades da Lei Maria da Penha.”

<sup>165</sup> Secretaria de Políticas para as Mulheres, “Pacto nacional pelo enfrentamento à violência contra as mulheres,” *Coleção Enfrentamento à Violência Contra as Mulheres* (Brasília, 2011), <http://www.spm.gov.br/sobre/publicacoes/publicacoes/2011/pacto-nacional>.

<sup>166</sup> Ministério da Mulher, da Família e dos Direitos Humanos, “Ligue 180,” Gov BR, accessed March 24, 2019, <https://www.mdh.gov.br/navegue-por-temas/politicas-para-mulheres/ligue-180>.

<sup>167</sup> Ministério da Mulher, da Família e dos Direitos Humanos, “Ligue 180.”

<sup>168</sup> *Ibid.*

allows women to report domestic violence without having to go to a police station.<sup>169</sup> This mechanism is particularly important in light of the previously mentioned scarcity of women's police stations.

Media conversations on changes and improvements to the MPL are crucial in informing women on their evolving protections. In 2018, "violations of intimacy," such as the publication of "revenge-porn" were added to the definition of psychological violence in the MPL.<sup>170</sup> Similar advances featured in the news media publications. Four of the articles discuss a different December, 2018, law<sup>171</sup> that criminalizes "revenge porn,"<sup>172</sup> other acts of sexual assault, and increases sentences for those who commit femicide in violation of a restraining order.<sup>173</sup> Three stories cover a third 2018 law, which specifically criminalizes the violation of restraining orders under the MPL.<sup>174</sup> This, according to a professor of criminal law who was interviewed in one story, fixed one of the biggest issues of impunity that the MPL had left unaddressed.<sup>175</sup> Since violating a restraining order was not itself a crime separate from that of domestic violence, she explains there was largely impunity for such violations.<sup>176</sup> Another article explained how the 2018 law gave

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<sup>169</sup> Ibid.

<sup>170</sup> *Lei Nº 11.340, de 7 de agosto de 2006*

<sup>171</sup> Cláudia Collucci, "No apagar das luzes de 2018, Temer sanciona quatro leis de proteção à mulher," *Folha de S. Paulo*, December 25, 2018, <https://www1.folha.uol.com.br/colunas/claudiacollucci/2018/12/no-apagar-das-luzes-de-2018-temer-sanciona-quatro-leis-de-protecao-a-mulher.shtml>

<sup>172</sup> Estadão Conteúdo, "Justiça com poucas mulheres tem 'visão limitada e parcial do mundo,' diz Toffoli," *Terra*, October 15, 2018, <https://www.terra.com.br/noticias/brasil/politica/justica-com-poucas-mulheres-tem-visao-limitada-e-parcial-do-mundo-diz-toffoli,3d5ad1ece148fa9bbe0ab65cb33bfb74begoob6g.html>.

<sup>173</sup> Luiza Nagib Eluf, "Os novos crimes sexuais," *Folha de S. Paulo*, November 7, 2018, <https://www1.folha.uol.com.br/opinioao/2018/11/os-novos-crimes-sexuais.shtml>; Angela Boldrini, "Câmara aprova projeto que aumenta pena de feminicídio cometido com medida protetiva," *Folha de S. Paulo*, November 28, 2018, <https://www1.folha.uol.com.br/cotidiano/2018/11/camara-aprova-projeto-que-aumenta-pena-de-feminicidio-cometido-com-medida-protetiva.shtml>.

<sup>174</sup> Camila Brandalise, "Lei Maria da Penha e Lei do Feminicídio: qual a diferença para a mulher?," *UOL Universa*, accessed February 16, 2019, <https://universa.uol.com.br/noticias/redacao/2018/08/18/lei-maria-da-penha-x-lei-do-feminicidio-qual-a-diferenca.htm>.

<sup>175</sup> Laura Franco, "Alteração na Lei Maria da Penha torna crime descumprir medida protetiva," *Jornal do Comércio*, April 24, 2018, [https://www.jornaldocomercio.com/\\_conteudo/2018/04/cadernos/jornal\\_da\\_lei/622996-alteracao-na-lei-maria-da-penha-torna-crime-descumprir-medida-protetiva.html](https://www.jornaldocomercio.com/_conteudo/2018/04/cadernos/jornal_da_lei/622996-alteracao-na-lei-maria-da-penha-torna-crime-descumprir-medida-protetiva.html).

<sup>176</sup> Ibid.

protective measures a newfound “agility”<sup>177</sup> by, for example, ensuring they be processed within 24 hours and that any related information be stored in centralized databases.<sup>178</sup> Again, if around 90% of Brazilians read some form of online news, the press could be an important source of rights-consciousness for women in a changing context.<sup>179</sup>

These discussions of improvement also shed light on how the State is fulfilling some of its human rights promises and informing women of how these changes impact the way in which they interact with the law. As previously mentioned, the MPL promises that “benefits resulting from scientific and technological innovations”<sup>180</sup> will benefit the quality of assistance to survivors of domestic violence, echoing the language of Article 15 of the ICESCR.<sup>181</sup> Without referencing the ICESCR, four of the news stories identify how a number of states are fulfilling this guarantee by developing apps to help better implement restraining orders and protect women in situations of imminent danger. These function as a “panic button”<sup>182</sup> for users who have a restraining order against their aggressor. The message being sent with respect to these apps is one of promise. One interviewee had the following to say; “[t]oday I encourage all women to take the same initiative I took. We’re not obliged to live with beatings and we should not be afraid to report. ... I believe I will be better protected with the app. Just one click and they come immediately.”<sup>183</sup> The head of the Maria da Penha Guardian program for the São Paulo Metropolitan Civil Guard similarly

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<sup>177</sup> Agência Câmara, “Câmara ajusta Lei Maria da Penha e agiliza medidas de proteção a mulheres,” UOL Congresso em Foco, August 14, 2018, <https://congressoemfoco.uol.com.br/direitos-humanos/camara-ajusta-lei-maria-da-penha-e-agiliza-medidas-de-protecao-a-mulheres/#>.

<sup>178</sup> Agência Câmara, “Câmara ajusta Lei Maria da Penha e agiliza medidas de proteção a mulheres.”

<sup>179</sup> Reuters Institute for the Study of Journalism, “Digital News Report 2018.”

<sup>180</sup> *Lei N° 11.340, de 7 De agosto De 2006*. My translation.

<sup>181</sup> “International Covenant on Economic, Social and Cultural Rights.”

<sup>182</sup> Ricardo Kotscho, “Inspetora da GCM é guardiã das vítimas de violência doméstica na cidade de SP,” Folha de S.Paulo, December 23, 2018, <https://www1.folha.uol.com.br/cotidiano/2018/12/inspetora-da-gcm-e-guardia-das-vitimas-de-violencia-domestica-na-cidade-de-sp.shtml>.

<sup>183</sup> Juliana Diógenes, “App terá botão do pânico para vítimas de violência doméstica,” Terra, October 24, 2018, <https://www.terra.com.br/noticias/tecnologia/app-servira-como-botao-de-panico-para-vitimas-de-violencia-domestica,5dfa601ce6898e63b031761703deec0af3i46oj.html>, my translation.

praised this innovation as “fantastic.”<sup>184</sup> Given that only one women’s police station in São Paulo is open 24 hours a day, the app allows women to get help at the hours in which men most frequently drink and commit violent acts.<sup>185</sup> Another local news article for the State of Minas Gerais emphasizes the value of their local app in conjunction with the criminalization of violating restraining orders.<sup>186</sup> Additionally, the article explains a feature in their state’s app which allows women to register friends in advance to whom the app can send an SOS message if activated.<sup>187</sup> These friends then receive a map with the woman’s location and can rush to help her should she not want police intervention.<sup>188</sup> These stories therefore suggest to women who may fear reporting that they should be protected from retaliation by their aggressor and can get help without having to physically expose themselves by going to a station.

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<sup>184</sup> Kotscho, “Inspetora da GCM é guardiã das vítimas de violência doméstica na cidade de SP,” my translation.

<sup>185</sup> Ibid.

<sup>186</sup> Bom Dia Brasil, “Medida protetiva, garantida pela Lei Maria da Penha, nem sempre é cumprida,” Globo Play, September 24, 2018, [https://globoplay.globo.com/v/7039216/..](https://globoplay.globo.com/v/7039216/)

<sup>187</sup> Bom Dia Brasil, “Medida protetiva, garantida pela Lei Maria da Penha, nem sempre é cumprida.”

<sup>188</sup> Ibid.

## Chapter 4: Narratives of Resistance and Change

### 4.1 The Importance of the MPL:

Public discussions in the media of the importance and intrinsic value of the MPL represent one of the strongest indicators of the social acceptance of the international human rights norms that the law adopts. Of the 50 news stories, 29 in some way touched on the importance of the MPL. These affirmations of the law's value in many cases go hand-in-hand with discussions of the continued prevalence of domestic violence. After all, if domestic violence did not exist, the MPL would be of little social importance. Conversely, if the view that what happened in the private sphere was the domain of the male head of the household still dominated Brazilian society, it is unlikely that the importance of the MPL would be acclaimed in the news media. Over a decade after the passing of the law, it makes sense that it is no longer news that the MPL introduced protections from domestic violence for Brazilian women. However, voices featured the news stories continually return to the idea of the law's importance and the 'culture' of impunity that gave rise to it. As the prosecutor cited above explains, Brazilians should not minimize the importance of the protection the law offers women because of the issues with its implementation.<sup>189</sup>

Moreover, while reporting rates may still be low, there is reason to believe that the MPL has helped more women feel empowered to report domestic violence. In one of the articles, the Inspector Superintendent of the Metropolitan Civil Guard's Maria da Penha Guardian program for the State of São Paulo claims the increase in the number of instances of domestic violence reported since the MPL was enacted is a positive sign of women losing the fear of retaliation from their

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<sup>189</sup> Bom Dia RN, "Livro discute gênero, justiça penal e lei Maria da Penha."

aggressor.<sup>190</sup> Another article quotes Maria da Penha herself echoing this sentiment: “[t]he number of complaints increased throughout these years, but that does not mean that violence has increased. It’s women who have started to believe more in the justice system.”<sup>191</sup> Such observations call into question findings that from 2009-2010 to 2013-2014, the rate of domestic violence in Brazil came close to tripling.<sup>192</sup> Affirmations in the news media by experts on the MPL would suggest that higher rates of *reported* domestic violence only serve as a testament to the importance of the law in protecting and helping the many women who experience domestic violence. It follows that the increased rates of domestic violence would therefore be a sign of Brazilian women internalizing the idea that domestic violence is not something they should tolerate, but rather that they should report to the police.

#### **4.2 The Pervasiveness of Domestic Violence:**

Media coverage shows that Brazilian society has come to condemn, rather than accept, domestic violence even if the problem remains prevalent. Nonetheless, the persistence of domestic violence and a society that continues to enable it represents the greatest barrier to the successful adoption, throughout Brazilian society, of human rights norms on domestic violence. As Merry posits, “gender violence is deeply embedded in systems of kinship, religion, warfare, and nationalism, its prevention requires major social changes in communities, families, and nations.”<sup>193</sup> The continued widespread practice of domestic violence reflects the fact that human rights ideas alone are incapable of instantly changing the long held societal attitudes that perpetuate it.

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<sup>190</sup> Ricardo Kotscho, “Inspetora da GCM é guardiã das vítimas de violência doméstica na cidade de SP,” Folha de S.Paulo, December 23, 2018, <https://www1.folha.uol.com.br/cotidiano/2018/12/inspetora-da-gcm-e-guardia-das-vitimas-de-violencia-domestica-na-cidade-de-sp.shtml>.

<sup>191</sup> Jessica Gustadson, “10 anos da Lei Maria da Penha: O impacto nos direitos da mulher,” Jornal do Comércio, August 2, 2018, [https://www.jornaldocomercio.com/\\_conteudo/2016/06/cadernos/jornal\\_da\\_lei/507686-mariadapenha.html?.tsrc=emul](https://www.jornaldocomercio.com/_conteudo/2016/06/cadernos/jornal_da_lei/507686-mariadapenha.html?.tsrc=emul).

<sup>192</sup> Rodrigues et al., “The Increase in Domestic Violence in Brazil From 2009-2014.”

<sup>193</sup> Merry, *Human Rights and Gender Violence: Translating International Law into Local Justice*, 2.

Accounts of the pervasiveness of domestic violence appear in 35 out of the 50 news stories. Two competing narratives can therefore be seen in the articles I have reviewed: (i) in spite of the MPL the issue of domestic violence is getting worse; and (ii) increased rates of domestic violence are signs that the law is doing its job and protecting many women who need it. While these may create confusion around the value of the MPL, the information presented in the articles tends to favor the second narrative. Overall, the stories suggest that higher rates of domestic violence are actually a positive indicator of the full scope of a problem that was previously hidden in the home finally coming to light.

One way in which the news shows the pervasiveness of domestic violence is through individual stories of domestic violence. These illustrate how different women's lives are impacted by the issue. Individual accounts of domestic violence and femicide feature in 12 of these news stories. They are filled with gruesome details and stark headlines. While this is designed to attract clicks, it is still the case that individual accounts of domestic violence humanize discussions of the MPL and emphasize the need for its effective implementation. Some of the individual accounts include a singer who recounts how her ex-husband almost killed her, an ex-diplomat who was denied bail after being imprisoned for beating and threatening to kill his ex-wife, and one woman who suffered physical violence and was prohibited from working by her husband for 25 years, before her son also turned violent against her.<sup>194</sup> In all three of these examples, however, the women were able to rely on the MPL for restraining orders or for having their aggressors jailed.

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<sup>194</sup> Estadão Conteúdo, "Não era para eu estar viva hoje, diz Joelma sobre agressões," Terra, November 12, 2018, <https://www.terra.com.br/diversao/gente/nao-era-para-eu-estar-viva-hoje-diz-joelma-sobre-ter-sofrido-agressoes,94d898dcf9e292c24a6ce35c0956374enawqrvd8.html>; Frederico Vasconcelos, "Violência doméstica: juiz nega recurso em liberdade a ex-diplomata condenado," Folha de S. Paulo, December 17, 2018, <https://blogdofred.blogfolha.uol.com.br/2018/12/17/violencia-domestica-juiz-nega-recurso-em-liberdade-a-ex-diplomata-condenado/>; Diógenes, "App terá botão do pânico para vítimas de violência doméstica."

One *BBC Brasil* article, reproduced in *Terra*, tells several stories of extreme acts of domestic violence and femicide. Strikingly, it narrates how two women with the same name, living in the same city, of drastically different socio-economic means, experienced similar problems of domestic violence.<sup>195</sup> One Cristiane was black, 27 years old, lived in the poor neighborhood of Jacarezinho in Rio de Janeiro, and was shot in the face in her bed, with her one-year-old child in her lap.<sup>196</sup> The other Cristiane, white and 35 years old, lives in a luxury complex in Rio de Janeiro, and is a well-known telenovela actress.<sup>197</sup> After enduring beatings and death threats for years, an incident where her husband strangled her with a telephone cord led her to install hidden cameras in their home.<sup>198</sup> She then shared the footage on national television, making headlines as a result.<sup>199</sup> Such comparisons would seem to send the message that domestic violence is an issue that affects women of all classes and backgrounds. This could potentially help remove some of the stigma that continues to surround reporting domestic violence, suggesting any woman could find themselves in such a situation. Moreover, such accounts seem to suggest that the reader should be outraged with instances where the State is not able to prevent domestic violence from escalating to femicide.

Of the 35 news pieces that discuss the pervasiveness of domestic violence in Brazil, 18 cite quantitative studies. These further highlight the scope of the issue and possibly contribute to destigmatizing domestic violence by showing just how many people it impacts. Some focus on the number of times the services under the MPL were used, such as the fact that the Brasilia police are called on every 43 minutes to intervene in a case under the MPL, with a total of 6,082 instances in

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<sup>195</sup> Renata Moura, “O trágico fim de três brasileiras que morreram no lugar mais perigoso para mulheres: a própria casa,” *Terra*, November 8, 2018, <https://www.terra.com.br/noticias/brasil/o-tragico-fim-de-tres-brasileiras-que-morreram-no-lugar-mais-perigoso-para-mulheres-a-propria-casa,6e1463c16496df43c55d6c978634cbdbqdz0f6x.html>.

<sup>196</sup> Moura, “O trágico fim de três brasileiras que morreram no lugar mais perigoso para mulheres: a própria casa.”

<sup>197</sup> *Ibid.*

<sup>198</sup> *Ibid.*

<sup>199</sup> *Ibid.*



the first semester of 2018.<sup>200</sup> These numbers contextualize individual stories and imply that domestic violence is an issue that society as a whole should concern itself with, rather than placing the burden entirely on individuals to solve their own situations of violence. By drawing attention to things like police activity, the stories also seem to suggest that the mechanisms of justice are working to protect women and subject the perpetrators to justice.

Discussions of individual cases, however, do bring to light some of the limitations of the vernacularization in the case of the MPL. The article on the two Cristianes brings to light the fact that racial inequality may be a critical issue limiting the success with which the vernacularization that has occurred through the MPL has maintained the original human rights ideas intact. Leading MPL scholar, Wânia Pasinato, is quoted in this same article, on a potential negative impact the media has had in translating the MPL's human rights-based approach to domestic violence. While this article features the stories of black women and women of lower socio-economic statuses, Pasinato argues that the media has largely focused on high profile cases of more privileged women: "[t]he people applying the laws, society in general, the media are more sensitive when it is white, middle or upper class, women, rather than the deaths involving young, black, poor women from the peripheries or poor regions in the distant corners of Brazil."<sup>201</sup> Her words suggest that this coverage could be symptomatic of the discriminatory vernacularization of norms on domestic violence, where the value of all women's lives are not held to be equal. The story of the Cristianes also implies that the resources a woman has to, for example, bring public attention to her case can still impact her ability to survive escalations of physical domestic violence. This bias does appear to be present in the coverage examined. For example, one story 'commemorates' twelve years

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<sup>200</sup> TV Globo e G1 DF, "Polícia Militar do DF registrou 6 mil ocorrências de Lei Maria da Penha no 1º semestre," G1, September 25, 2018, <https://g1.globo.com/df/distrito-federal/noticia/2018/09/25/policia-militar-do-df-registrou-6-mil-ocorrencias-de-lei-maria-da-penha-no-1o-semester.ghtml>.

<sup>201</sup> Ibid.

since the MPL was passed by sharing the stories of seven recent victims of femicide, all of whom were white.<sup>202</sup>

Additionally, some of the stories show survivors returning to their aggressors. The coverage of the actress Cristiane Machado's case stresses how she testified in her aggressor's favor during the MPL proceedings against him for attempted femicide, and that she chose to return to him despite the fact that his violence had led to her being hospitalized five times.<sup>203</sup> According to one UOL article on myths and truths about the MPL, approximately 50% of women who report domestic violence return to their violent partner, sometimes because they feel they cannot live without them.<sup>204</sup> Or, in 60% of cases women do not even report because they think they can change their partner's behavior.<sup>205</sup> The article on myths and truths about the MPL similarly explained how in many cases women are forced to return to their partners because of economic dependence or fear of retaliation and emphasizes that women should not wait and hope that their aggressor will cease their violent behaviors.<sup>206</sup> Here it appears that the media discussion *reflects* the fact that not all Brazilian women have fully accepted and adopted the idea that domestic violence violates their human rights. However, the message being sent is also and that this is not how things should be and that women should be able to rely on the State to help them out of the cycle of violence.<sup>207</sup>

Another story shares the Brazilian Public Security Forum's finding that in 2017, over 200,000 instances of domestic violence were registered and 500 women suffered physical aggression every hour, of which 52% did not report and 43% of the violent acts occurred in the

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<sup>202</sup> O Globo, "Lei Maria da Penha completa 12 anos em meio a casos de feminicídio," *O Globo*, August 7, 2018, <https://oglobo.globo.com/sociedade/lei-maria-da-penha-completa-12-anos-em-meio-casos-de-feminicidio-22957206>.

<sup>203</sup> Moura, "O trágico fim de três brasileiras que morreram no lugar mais perigoso para mulheres: a própria casa."

<sup>204</sup> Eiroa, "Mitos e verdades da Lei Maria da Penha."

<sup>205</sup> Ibid.

<sup>206</sup> Ibid.

<sup>207</sup> Committee on the Elimination of Discrimination Against Women, "General Recommendation No. 19: Violence against Women."

woman's home.<sup>208</sup> Such a lack of reporting is alarming because it would suggest that either women are unaware of their rights or fear the law will not protect them. Alternatively, this rate of silence raises questions about whether the MPL has failed to change how women themselves perceive their subordination to their current or former partners and spouses. However, regardless of any confusion surrounding progress on reporting and rates of domestic violence, it is clear that the social importance and seriousness of domestic violence and consequent necessity of the legal protections in the MPL underlie essentially all of the 50 articles examined.

### 4.3 Backlash:

Even stories of other social manifestations of backlash against the MPL and the values it embodies suggest that the law has been largely successful. The most unusual and striking story of social resistance and the counter reaction to this involved a hamburger. The owners of a hamburger restaurant in the State of São Paulo chose to name a hamburger on their menu the “Maria da Penha” burger, because it featured purple cabbage as a topping (a “purple” eye means black eye in Portuguese).<sup>209</sup> The backlash against the restaurant on social media was so great that the owners quickly renamed the hamburger “censored.”<sup>210</sup> This public response from around the country would seem to suggest that since Maria da Penha's case became famous, such humor has become socially unacceptable.

The MPL therefore appears to have changed what is deemed socially permissible. Even a seemingly insignificant event at a small restaurant in a small city can provoke a national scandal.<sup>211</sup>

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<sup>208</sup> Daniela Kalicheski, “Diálogo promove conscientização da Lei Maria da Penha,” *O Globo*, August 20, 2018, <https://oglobo.globo.com/rio/bairros/dialogo-promove-conscientizacao-da-lei-maria-da-penha-22989445>.

<sup>209</sup> *O Globo*, “Hamburgueria em interior de SP é criticada por batizar sanduíche de ‘Maria da Penha,’” *O Globo*, November 27, 2018, <https://oglobo.globo.com/sociedade/hamburgueria-em-interior-de-sp-criticada-por-batizar-sanduiche-de-maria-da-penha-23262526>.

<sup>210</sup> *O Globo*, “Hamburgueria em interior de SP é criticada por batizar sanduíche de ‘Maria da Penha,’” my translation.

<sup>211</sup> *Ibid.*

Backlash against such humor is important because studies have found that humor is particularly powerful in normalizing domestic violence and legitimizing sexism in a way that is both deniable and disguised.<sup>212</sup> In this case, an example of resistance to the norms of the MPL is a testament to the magnitude of the changes to what is considered socially acceptable in the 12 years since the MPL was introduced. A second article, albeit from the same source, commented on the backlash against public officials joking about the hamburger, emphasizing just how unacceptable humor insensitive to the severity of domestic violence, and Maria da Penha's status as a Brazilian hero, has become.<sup>213</sup>

The same appears to be true for the story of a man who faced backlash for starting an institute to 'protect' men accused of crimes under the MPL.<sup>214</sup> According to the founder, the MPL victimizes men, forcing them into vulnerable positions, and they need his help to "return to the position of 'boss' and 'save the family.'"<sup>215</sup> He adds, "this law is compromising the whole family. Since the man is still considered the boss and is disoriented, the family is disappearing." The goal of his Institute for Man is therefore to help men who have been forced out of their homes because of an emergency protective measure to make themselves presentable so that "the woman accepts him back."<sup>216</sup> While this may represent backlash to the MPL, as the founder of the institute acknowledges, this is a manifestation of anxiety about the status quo of impunity for domestic

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<sup>212</sup>Stephanie Kohlman et al., "Contribution of Media to the Normalization and Perpetuation of Domestic Violence." *Austin Journal of Psychiatry and Behavioral Sciences* 1, no. 4 (May 4, 2014) <http://austinpublishinggroup.com/psychiatry-behavioral-sciences/fulltext/ajpbs-v1-id1018.php>.

<sup>213</sup> João Paulo Saconi, "Cabo da PM e vice-presidente da OAB de Salto brincam com 'sanduíche Maria da Penha' citando Marielle," *O Globo*, November 29, 2018, <https://oglobo.globo.com/sociedade/cabo-da-pm-vice-presidente-da-oab-de-salto-brincam-com-sandui-che-maria-da-penha-citando-marielle-23268792>.

<sup>214</sup> O Viral, "Fundação do Instituto Homem, para defender acusados pela Lei Maria da Penha, revolta a internet," *Jornal do Comércio*, June 20, 2018, <https://jc.ne10.uol.com.br/blogs/oviral/2018/06/20/fundacao-do-instituto-homem-para-defender-acusados-pela-lei-maria-da-penha-revolta-internet/>.

<sup>215</sup> O Viral, "Fundação do Instituto Homem, para defender acusados pela Lei Maria da Penha, revolta a internet," my translation.

<sup>216</sup> Ibid, my translation.

violence changing. It is therefore a positive indicator of the vernacularization of the human rights norms behind the MPL. Much of the article focuses on the abundance of criticism the founder faced on social media, as women called out his act, said they could not believe what they were reading, shared information on the pervasiveness of domestic violence in Brazil, and compared the institute to “the beginnings of civilization.”<sup>217</sup> In this sense the article therefore reflects what women view as unacceptable in light of the progress associated with the MPL and informs those who read it that such blatant opposition to the MPL is likely to face great backlash.

These stories suggest that domestic violence has taken on what one judge quoted in an article characterizes as “extreme social offensiveness.”<sup>218</sup> From these conversations, we can infer that the MPL has had at least some effectiveness in changing the social norms that had previously held domestic violence to be an acceptable and private affair. While today this may seem obvious, we have seen that little over a decade ago this was not so evident to the Brazilian State. The progress with regards to vernacularization becomes more nuanced in conversations about Bolsonaro’s presidency. Three of the articles cover the fact that a member of Bolsonaro’s transition team, Julien Lemos, had been accused of domestic violence under the MPL three times between 2013 and 2016.<sup>219</sup> He maintains his innocence.<sup>220</sup> Yet even here, *O Globo*, *Folha de São Paulo*, and *Terra* all cover this and frame it as a defining characteristic about him that calls into question

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<sup>217</sup> Ibid, my translation.

<sup>218</sup> Frederico Vasconcelos, “Violência doméstica: juiz nega recurso em liberdade a ex-diplomata condenado,” *Folha de S. Paulo*, December 17, 2018, <https://blogdofred.blogfolha.uol.com.br/2018/12/17/violencia-domestica-juiz-nega-recurso-em-liberdade-a-ex-diplomata-condenado/>.

<sup>219</sup> Giselle Barros, “Integrante da equipe de Bolsonaro foi acusado de estelionato e três vezes alvo da Lei Maria da Penha,” *O Globo*, <https://oglobo.globo.com/brasil/integrante-da-equipe-de-bolsonaro-foi-acusado-de-estelionato-tres-vezes-alvo-da-lei-maria-da-penha-23214284>, <https://oglobo.globo.com/brasil/integrante-da-equipe-de-bolsonaro-foi-acusado-de-estelionato-tres-vezes-alvo-da-lei-maria-da-penha-23214284>.

<sup>220</sup> Alegretti, “Equipe de transição de Bolsonaro terá nomeação de mulheres, diz assessoria.”

his fitness for office.<sup>221</sup> It would appear that, at least in the news media, respect for the values of the MPL trumps demonstrations of resistance to or disregard for them.

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<sup>221</sup> Tânia Monteiro and Leonicio Nossa, “Bolsonaro quer general em núcleo duro do Planalto,” Terra, November 6, 2018, <https://www.terra.com.br/noticias/bolsonaro-quer-general-em-nucleo-duro-do-planalto,3910b9b336686a1fb132411ab5a131b0dehod7u2.html>.

## Chapter 5: Human Rights Language and Symbols in Online News Discourse

### 5.1 Promoting Rights-consciousness:

In the sample of stories I have examined, the news media tends to take a more active and normative role when it comes to rights-consciousness. In eight instances, the journalist or the interviewee urges women to report domestic violence and to not remain silent on the issue. One woman interviewed, who had used the MPL to escape a situation of violence, encouraged women to follow her example and to take initiative to end their situation of violence, facing their fear of reporting.<sup>222</sup> The media not only reaches out directly to women who may be experiencing domestic violence, but also those who may know someone going through it: “a woman in a situation of violence cannot escape this cycle on her own. She needs all kinds of support, as she will go through various moments of fear, shame, regret, and guilt. No one needs to go through this on her own. Help, you can save a life.”<sup>223</sup>

One video report from television news quotes a lawyer who argues statistics are still under representative of the number of women suffering domestic violence because so many women do not report.<sup>224</sup> She consequently stresses that women need to be encouraged to report so as to avoid the escalation of violence.<sup>225</sup> Another video originally from television news declares, “silence only helps the aggressor.”<sup>226</sup> Reporting is therefore crucial to ensure punishment and avoid “the worst.”<sup>227</sup> The possibility of smaller acts of violence escalating to femicide appears to be particularly concerning when the State is not even given a chance to try and protect the woman at

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<sup>222</sup> Diógenes, “App terá botão do pânico para vítimas de violência doméstica.”

<sup>223</sup> Camila Eiroa, “Mitos e verdades da Lei Maria da Penha,” Trip, October 9, 2018, <https://revistatrip.uol.com.br/trip-transformadores/mitos-e-verdades-sobre-a-lei-maria-da-penha-por-gabriela-manssur>.

<sup>224</sup> JA 2ª Edição, “Homem é preso suspeito de agredir a mãe idosa em Goiânia.”

<sup>225</sup> Ibid.

<sup>226</sup> Bom Dia Brasil, “Medida Protetiva, garantida pela Lei Maria Da Penha, nem sempre é cumprida.”

<sup>227</sup> Ibid.

risk.<sup>228</sup> Another article, however, acknowledges that breaking out of a violent relationship is usually more complicated than just reporting and stresses the need for psychological services.<sup>229</sup>

Given that the MPL creates such complex mechanisms aimed at both protecting and fulfilling the rights of women, rights-consciousness goes beyond the understanding that women should report domestic violence to the police. A 2013 Senate survey found that although 99% of female respondents had heard of the MPL.<sup>230</sup> Another study done at the same time, however, found that while 98% of respondents knew of the law, only 23% felt they knew a moderate or large amount about it and 9% claimed to know much about its contents.<sup>231</sup> An information gap therefore appears to exist where the media has the potential to play an important role in the dissemination of the norms that constitute the MPL. In total, 13 of the news stories I reviewed in some way explain the intricacies of the MPL. Some of these explanations are as basic as responding to the question “how can I report a case of domestic violence” and who can do so.<sup>232</sup> Others focus on explaining what the changes being made to the MPL mean for how women engage with the law. For instance, some clarify that now, once a complaint is filed women cannot revoke it<sup>233</sup> unless they were reporting only verbal threats.<sup>234</sup> Others detail how the sentences have become stricter now that violating a restraining order is a crime of its own.<sup>235</sup> Furthermore, as mentioned above, several articles outline how women can use newly developed apps to better protect themselves.<sup>236</sup>

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<sup>228</sup> Brandalise, “Lei Maria da Penha e Lei do Feminicídio.”

<sup>229</sup> Moura, “O trágico fim de três brasileiras que morreram no lugar mais perigoso para mulheres: a própria casa.”

<sup>230</sup> Wânia Pasinato, “Acesso à justiça e violência doméstica e familiar contra as mulheres: as percepções dos operadores jurídicos e os limites para a aplicação da Lei Maria da Penha,” *Revista Direito GV* 11, no. 2 (December 2015): 407–28, <https://doi.org/10.1590/1808-2432201518>.

<sup>231</sup> Pasinato, “Acesso à justiça e violência doméstica e familiar contra as mulheres: as percepções dos operadores jurídicos e os limites para a aplicação da Lei Maria da Penha.”

<sup>232</sup> Portal Brasil, “12 Anos Da Lei Maria Da Penha: Como Denunciar Violência?,” UOL TV Jornal, August 8, 2018, <https://tvjornal.ne10.uol.com.br/noticia/ultimas/2018/08/08/12-anos-da-lei-maria-da-penha-como-denunciar-violencia-46617.php>.

<sup>233</sup> Portal Brasil, “12 Anos da Lei Maria da Penha: como denunciar violência?”

<sup>234</sup> Eiroa, “Mitos e verdades da Lei Maria da Penha.”

<sup>235</sup> Franco, “Alteração na Lei Maria da Penha torna crime descumprir medida protetiva.”

<sup>236</sup> Diário TV 2ª Edição, “Guarda municipal de Arujá lança aplicativo para atender ocorrências.”



Since 90% of Brazilians read online news in some form, explanations such as these have the capacity to translate the inaccessible language of the law for ordinary Brazilians, so that they can better know their rights and resources. As one prosecutor stresses when prefacing a segment debunking the various myths on the MPL, “while [the law] is already common knowledge, many myths permeate its functionality.”<sup>237</sup> Another article on a project aimed at empowering women by educating them on their rights validates the need for news sources to use their platforms to help women know their rights, as the project’s organizer sees the important impact the media can have on people’s views.<sup>238</sup> Her opinions are echoed in another piece: “[t]he press has an important role, as it is Always reminding that women have the means to leave the situation of domestic violence, reminding her of her rights, and sharing the [phone] number 180.”<sup>239</sup>

This more active role some of the news media has assumed in conveying and explaining the MPL’s protections is consistent with an important stage of Merry’s model of the vernacularization of human rights. According to Merry, “[i]f human rights ideas are to have an impact, they need to become part of the consciousness of ordinary people around the world”<sup>240</sup> because a considerable body of research indicates that “law’s power to shape society depends not on punishment alone but on becoming embedded in everyday social practices, shaping the rules people carry in their heads.”<sup>241</sup> Within this schema, a paradox emerges with regard to individual rights-consciousness. Rights-consciousness is an important precondition, according to Merry, for

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<sup>237</sup> Eiroa, “Mitos e verdades da Lei Maria da Penha.”

<sup>238</sup> Flávia Mantovani, “Projeto Em SP transforma mulheres comuns Em promotoras de direitos,” *Folha de S.Paulo*, December 10, 2018, <https://www1.folha.uol.com.br/mundo/2018/12/projeto-em-sp-transforma-mulheres-comuns-em-promotoras-de-direitos.shtml>.

<sup>239</sup> Jessica Gustafson, “10 anos da Lei Maria da Penha: o impacto nos direitos da mulher,” *Jornal do Comércio*, August 2, 2018, [https://www.jornaldocomercio.com/\\_conteudo/2016/06/cadernos/jornal\\_da\\_lei/507686-mariadapenha.html?.tsrc=emul](https://www.jornaldocomercio.com/_conteudo/2016/06/cadernos/jornal_da_lei/507686-mariadapenha.html?.tsrc=emul).

<sup>240</sup> Merry, *Human Rights and Gender Violence: Translating International Law into Local Justice*, 3.

<sup>241</sup> *Ibid.*

sufficient pressure to be put on institutions to treat human rights seriously.<sup>242</sup> However, if institutions ineffectively implement these rights, achieving rights-consciousness is challenging.<sup>243</sup> The media's role in promoting rights-consciousness in this way could therefore be important in demanding greater government accountability.

## 5.2 Human Rights Discourse in the Media:

Explicit references to human rights or to core human rights principles appear in a number of the news stories. The article that most explicitly embraces the view that domestic violence constitutes a human rights violation explains the merging of two hotlines. It contrasts "Dial 100,"<sup>244</sup> which "receives, analyzes, and refers reports of human rights violations related to women, but also other social groups,"<sup>245</sup> and "Dial 180,"<sup>246</sup> "a line specific to informing and reporting on rights and public services for the female population."<sup>247</sup> This position echoes the MPL's guarantee of protecting the human rights of women that takes individual instances of violence to be human rights violations.<sup>248</sup> In a different article, one interviewee whose work is to educate women on their rights under the MPL, reflects on the issue of rights and rights-consciousness, noting that Brazilian women and feminist groups achieved "equality, even if only formally. However, we noticed that few Brazilian women knew of the rights they had conquered."<sup>249</sup> Such commentaries leave little doubt as to whether the MPL and domestic violence are questions of human rights. Mentions of the MPL as being run out of the Ministry of Human Rights,<sup>250</sup> now the Ministry of Women,

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<sup>242</sup> Ibid.

<sup>243</sup> Ibid.

<sup>244</sup> Portal Brasil, "12 Anos Da Lei Maria Da Penha: como denunciar violência?"

<sup>245</sup> Ibid.

<sup>246</sup> Ibid.

<sup>247</sup> Ibid.

<sup>248</sup> Lei Nº 11.340, de 7 De agosto de 2006 (Brasília, 2006), my translation.

<sup>249</sup> Flávia Mantovani, "Projeto em SP transforma mulheres comuns em promotoras de direitos," Folha de S.Paulo, December 10, 2018, <https://www1.folha.uol.com.br/mundo/2018/12/projeto-em-sp-transforma-mulheres-comuns-em-promotoras-de-direitos.shtml>, my translation.

<sup>250</sup> Portal Brasil, "12 anos da Lei Maria da Penha: como denunciar violência?"

Families, and Human Rights under President Bolsonaro, only reinforce this association.<sup>251</sup> Furthermore, some discussions on the MPL explicitly refer to international human rights bodies. For example, one video from the local television news mentioned how “in recent years, we have spoken a lot about the application of the MPL.”<sup>252</sup> The presenter justifies the Law’s importance with the claim based on a UNIFEM report that “this law is the third best law in the world.”<sup>253</sup> This suggests that international human rights bodies have relevance for Brazilians.

Even where the words “human rights” and “rights” are not explicitly mentioned, human rights language features in a number of places. The same interviewee who works with educating women on the MPL stresses that women have the “right to full citizenship,”<sup>254</sup> but are continually “discriminated against.”<sup>255</sup> Another article refers to discrimination against women as the grounds on which domestic violence legislation is needed.<sup>256</sup> In this sense, the press seemingly does not need to discuss human rights explicitly to participate in spreading core human rights ideas by bringing them into public discourse. Another article on the new legislation adding onto the MPL discusses how it works to protect “sexual freedom,”<sup>257</sup> an important component of the human right to self-determination that the MPL also guarantees Brazilian women.<sup>258</sup> The notion of State obligations also features, specifically in the conversation on “the obligations of a school, ... to discuss sexual and gender-based violence.”<sup>259</sup> It therefore appears that in discussing the MPL, the news media is not attempting to disguise the language of human rights that the law so openly

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<sup>251</sup> Moura, “O trágico fim de três brasileiras que morreram no lugar mais perigoso para mulheres: a própria casa.”

<sup>252</sup> Bom Dia RN, “Livro discute gênero, justiça penal e lei Maria da Penha,” Globo Play, December 20, 2018, <https://globoplay.globo.com/v/7195622/>, my translation.

<sup>253</sup> Bom Dia RN, “Livro discute gênero, justiça penal e lei Maria da Penha;”

My translation.

<sup>254</sup> Mantovani, “Projeto em SP transforma mulheres comuns em promotoras de direitos,” my translation.

<sup>255</sup> Ibid.

<sup>256</sup> Moura, “O trágico fim de três brasileiras que morreram no lugar mais perigoso para mulheres: a própria casa.”

<sup>257</sup> Eluf, “Os novos crimes sexuais.”

<sup>258</sup> Lei Nº 11.340, de 7 De agosto de 2006 (Brasília, 2006), my translation.

<sup>259</sup> De Lima, “Com o ‘Escola sem Partido,’ será proibido falar de violência doméstica e sexual nas escolas.”

embraces. Rather, the media seems to be bringing human rights norms into mainstream discourse on domestic violence.

While coverage of the pervasiveness of domestic violence appears to reveal a greater focus on physical violence than on other forms of violence, a number of stories embrace the MPL's human rights definition of domestic violence as including other forms of violence. For example, one article advertising a series of debates on the MPL promises discussions on the effectiveness of the handling of cases of "gender-based violence in which women and girls are constantly victims of physical violence, psychological violence, and torture."<sup>260</sup> Another article acknowledges that women were simply reporting physical violence more, citing the Ministry of Human Rights' report that, in the first half of 2018, its hotline received "34 thousand reports of physical violence, followed by psychological violence, with 24,378 reports, and sexual violence, corresponding to 5,978 cases."<sup>261</sup> Whether physical violence is more frequent than other forms of violence or more needs to be done for women to feel comfortable reporting non-physical violence, the press at least accepts and acknowledges the MPL's full human rights definition of domestic violence.

It would, however, be inaccurate to characterize discussions on the MPL in the 50 news stories reviewed as using purely human rights discourse. Due to the distance that exists between where human rights ideas originate and where they are implemented, Merry posits that a paradox exists in the implementation of human rights locally: "[ri]ghts need to be presented in local cultural terms in order to be persuasive, but they must challenge existing relations of power in order to be

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<sup>260</sup> G1 Bauru e Marília, "OAB promove mesa redonda para discutir Lei Maria da Penha em Bauru," G1, October 5, 2018, <https://g1.globo.com/sp/bauru-marilia/noticia/2018/10/05/oab-promove-mesa-redonda-para-discutir-lei-maria-da-penha-em-bauru.ghtml>. My Translation.

<sup>261</sup> Portal Brasil, "12 Anos da Lei Maria da Penha: como denunciar violência?," my translation.

effective.”<sup>262</sup> Despite the extensive adoption of human rights ideas in the media discourse examined, there are also examples of local cultural discourse of the type described by Merry. In one article, for example, the MPL is framed in terms of local symbols through references to the unique approach to domestic violence that emerged in Brazil through the work of women’s groups prior to the MPL. Another article views the creation of the first women’s police station, not the MPL, as the starting point of the State’s reconceptualization of domestic violence as something it has an obligation to work to protect women from.<sup>263</sup> In this sense, the MPL is not an imposition of foreign ideas, but the extension of a uniquely Brazilian approach to the issue, which has even been replicated around Latin America.<sup>264</sup>

The language used by journalists suggests that in order to resonate with a wide range of readers, some “hybridization” of these human rights principles with Brazilian values may be necessary. For example, the human rights framework tries to eradicate structures that perpetuate the idea that the value of a woman stems from her role within the family.<sup>265</sup> Yet, one article quotes Maria da Penha herself, who attempts to convince women in violent situations to use the MPL to escape the cycle of violence because it teaches her sons that such violence is unacceptable and teaches her daughters how to more easily detect unacceptably violent behavior in a partner.<sup>266</sup> In this sense, Maria da Penha may be compromising one demand of human rights to eliminate gender

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<sup>262</sup> Merry, *Human Rights and Gender Violence: Translating International Law into Local Justice*, 5.

<sup>263</sup> DINO, “Especialista afirma que partidos só colocam mulheres candidatas para cumprir lei,” Terra, November 30, 2018, <https://www.terra.com.br/noticias/dino/especialista-afirma-que-partidos-so-colocam-mulheres-candidatas-para-cumprir-lei,4d215ade19e4b022bbf22db7423e679fseahzj95.html>.

<sup>264</sup> UNODC and UN Women, “Respostas à Violência Baseada em Gênero no Cone Sul: avanços, desafios e experiências regionais,” Relatório Regional (United Nations, 2011), [https://www.unodc.org/documents/lpo-brazil/Topics\\_crime/Publicacoes/Respostas\\_Violencia\\_Genero\\_Cone\\_Sul\\_Port.pdf](https://www.unodc.org/documents/lpo-brazil/Topics_crime/Publicacoes/Respostas_Violencia_Genero_Cone_Sul_Port.pdf).

<sup>265</sup> Committee on the Elimination of Discrimination Against Women, “General Recommendation No. 35 on Gender-Based Violence against Women, Updating General Recommendation No. 19.”

<sup>266</sup> “Para Maria Da Penha, lei de violência doméstica educa filhos de vítimas,” UOL Universa, November 27, 2018, <https://universa.uol.com.br/noticias/redacao/2018/11/27/para-maria-da-penha-lei-de-violencia-domestica-educa-filhos-de-vitimas.htm>.

stereotypes from media conversations in order to frame the importance of her law in a way that resonates with the importance of the family in Brazilian society.<sup>267</sup>

### **5.3 Maria da Penha as a National Human Rights Symbol:**

Some of the clearest mentions of international human rights and international human rights bodies that appear in the 50 news stories do so in discussions of Maria da Penha's case. In a number of instances, Maria da Penha is discussed in the context of how she helped pressure the government to create the law and why the law bears her name. Several articles explain that "the Maria da Penha Law takes the name Maria da Penha for an important reason."<sup>268</sup> This reason is that "thanks to the women's movement that was active at the time there were means for the OAS to punish Brazil"<sup>269</sup> for the fact that "the judgment of her case took a long time."<sup>270</sup> This lack of justice, in turn, occurred "precisely because of the lack of legislation that clearly addressed crimes against women."<sup>271</sup> This same article quotes Maria da Penha who emphasizes that the importance of her case is not that it ended structural gender inequalities, but that it enabled grassroots groups to "find the international mechanisms to break the silence that surrounded the theme that was still masked in Brazil."<sup>272</sup>

Having become synonymous with the fight against domestic violence, Maria da Penha continues to be central to discussions on the issue in the Brazilian media. Her continued relevance stems partly from the fact that she is still a prominent domestic violence activist, both through her institute and in the media.<sup>273</sup> The fact that the news would choose to cover her appearance on a

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<sup>267</sup> Committee on the Elimination of Discrimination Against Women, "General Recommendation No. 19: Violence against Women."

<sup>268</sup> Bom Dia RN, "Livro discute gênero, justiça penal e lei Maria da Penha."

<sup>269</sup> Gustafson, "10 anos da Lei Maria da Penha."

<sup>270</sup> Portal Brasil, "12 Anos Da Lei Maria da Penha: como denunciar violência?"

<sup>271</sup> Ibid.

<sup>272</sup> Ibid.

<sup>273</sup> "Instituto Maria da Penha," Instituto Maria da Penha, accessed April 14, 2019, <http://www.institutomariadapenha.org.br/>.

television talk show in November, 2018, hints at the extent of her continued fame and importance.<sup>274</sup> Maria da Penha uses her platform to draw attention to areas of the law's implementation that she sees as particularly problematic or important. For example, on International Women's Day, she wrote an open letter to the governor of the state she lives in to ask for better structures in place to protect women in her state and around Brazil.<sup>275</sup> In the article in which she is interviewed on this, Maria da Penha continues to use the IACHR's recommendations in response to her case to criticize the government's implementation of the law that bears her name.<sup>276</sup> Specifically, she refers to the State continuing to be "negligent in serving women who are victims of violence."<sup>277</sup> This would suggest that, Maria da Penha's personal story resonates with women who suffer from domestic violence even if the language of international human rights conventions do not. As Maria da Penha's statement suggests, international human rights can serve as a standard against which to hold the State even if not as a language to discuss the individual situations of women. Maria da Penha herself also appears to frame international human rights through Brazilian family values. In calling for the State to live up to the IACHR's demands, she adds that she continues her activism "for me and for my daughters."<sup>278</sup> Her simultaneous appeal to international human rights and to the importance of familial relationships suggest that despite the replication of human rights norms through the law, they are still particularly resonant when framed through Brazilian traditional family values.

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<sup>274</sup> "Para Maria da Penha, lei de violência doméstica educa filhos de vítimas," UOL Universa, November 27, 2018, <https://universa.uol.com.br/noticias/redacao/2018/11/27/para-maria-da-penha-lei-de-violencia-domestica-educa-filhos-de-vitimas.htm>.

<sup>275</sup> Carlos Madeiro, "Após 35 anos da violência contra mim, a negligência permanece no país, diz Maria da Penha," UOL Notícias, March 8, 2018, <https://noticias.uol.com.br/cotidiano/ultimas-noticias/2018/03/08/apos-35-anos-da-violencia-contra-mim-a-negligencia-permanece-no-pais-diz-maria-da-penha.htm>.

<sup>276</sup> Madeiro, "Após 35 anos da violência contra mim, a negligência permanece no país, diz Maria da Penha."

<sup>277</sup> Ibid.

<sup>278</sup> Ibid.

International human rights also come up in the context of social resistance to the MPL and what Maria da Penha stands for as a symbol of human rights. One story focuses on the defacing of a graffiti portrait of Maria da Penha done by Nobel Peace Prize winner Malala Yousafzai on a visit to Brazil.<sup>279</sup> The article notes that the act of vandalism was carried out on the 10<sup>th</sup> of December, International Human Rights Day.<sup>280</sup> This act of resistance therefore suggests that Maria da Penha is viewed as a symbol of human rights and that hostility to her and her activism may be connected to hostility to international human rights. Conversely, if this connection exists in opposition to the MPL, support for the law and for Maria da Penha in response to such incidents could reflect or even potentially bolster support for human rights, at least insofar as they address domestic violence.

The way in which Maria da Penha continues to remind Brazilians – through her activism and statements in the media – of the international human rights standards that Brazil must comply with seems to occupy an interesting place in the process of vernacularization. Opposed to the “replication”<sup>281</sup> of human rights norms, which signifies their adoption is likely “superficial and primarily decorative,”<sup>282</sup> is “hybridization, a process that merges imported institutions and symbols with local ones, sometimes uneasily.”<sup>283</sup> The MPL appears to be an instance of the direct replication of human rights norms on domestic violence. Yet, their adoption is by no means just for show. Moreover, the law’s its inspiration and namesake seems to simultaneously occupy a number of positions and suggests that “replication” and “hybridization” are not necessarily

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<sup>279</sup> Matheus Maciel, “Câmera flagra homem vandalizando grafite com rosto de Marielle e Maria da Penha;,” *O Globo*, December 19, 2018, <https://oglobo.globo.com/rio/camera-flagra-homem-vandalizando-grafite-com-rosto-de-marielle-maria-da-penha-veja-video-23315720>.

<sup>280</sup> Maciel, “Câmera Flagra Homem Vandalizando Grafite Com Rosto de Marielle e Maria Da Penha,” my translation.

<sup>281</sup> Merry, “Transnational Human Rights and Local Activism,” 44.

<sup>282</sup> *Ibid.*

<sup>283</sup> *Ibid.*



incompatible. On the one hand, Maria da Penha is a local symbol of a Brazilian woman wronged by the justice system who heroically survived several femicide attempts. On the other, she has become a symbol of the intrusion of the Inter-American human rights system into Brazilian affairs. Then lastly, she has taken on the role of an activist continually working to try to translate the demands of these international standards into Brazilian institutions *de facto*, now that they have been recognized *de jure*. Caught between these positions, she fits none of Merry and Levitt's models of the "vernacularizer"<sup>284</sup> and seems to bridge some of the gaps between the transnational and national that Merry expresses concerns about. It is therefore perhaps precisely because Maria da Penha occupies these positions that, as this cross-section of the Brazilian media from 2018 and the beginning of 2019 is able to reflect such a seemingly strong internalization of these human rights standards 12 years after the MPL was enacted.

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<sup>284</sup> Peggy Levitt and Sally Merry, "Vernacularization on the Ground: Local Uses of Global Women's Rights in Peru, China, India and the United States," *Global Networks* 9, no. 4 (2009): 441–61, <https://doi.org/10.1111/j.1471-0374.2009.00263.x>.

## Chapter 6: Conclusion

The MPL seems to have been largely successful in importing international human rights standards on domestic violence into Brazilian society. As Merry and Levitt write, “[w]hile considerable scholarship on human rights sees universalism and relativism as oppositional, vernacularization bridges this divide”<sup>285</sup> and “converts universalistic human rights into local understandings of social justice.”<sup>286</sup> News media discourse surrounding the MPL in Brazil seems to exemplify such a process. In fact, comparing the pre-2006 context of acceptance and impunity for domestic violence to the conversations on social justice surrounding the issue in the online press, the MPL appears to have been a turning point for Brazilian women. While the MPL introduced legal protections for the human rights of women where few existed, it did so in a context where activists had already fought to introduce the idea of a State obligation to protect women from domestic violence. Nevertheless, based on the media discourse examined, De Ávila would appear not to be over claiming when he describes the MPL as being responsible for no less than a “new gender paradigm.”<sup>287</sup> While existing literature failed to examine whether this was true at a societal level, this change can be identified in the news media discourse on the MPL.

Online news discourse reflects the process of vernacularization by echoing the most widespread views on the MPL and its implementation, as well as by providing information and normative views. In this sense, both the law and the media act as translators from the universal to the local. The news stories on the success of the MPL in protecting women in situations of domestic violence reflect the concrete successes of vernacularization and send the message that the law can be trusted to help protect the rights of women. Conversations on the range of services reflect how

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<sup>285</sup> Merry and Levitt, “The Vernacularization of Women’s Human Rights,” 213-214.

<sup>286</sup> Ibid.

<sup>287</sup> De Ávila, “Facing Domestic Violence Against Women in Brazil,” 19.

the reach of the MPL extends throughout Brazilian institutions and inform women of the services that exist. Coverage of the improvements being made to the MPL and its implementation similarly send the message that the MPL is a reliable and improving resource for women and provides them with the necessary information to understand their rights and resources. Even critiques of the law's implementation suggest how central concerns on violence against women in the private sphere have become in Brazilian society. Some stories second what many scholars have been saying: the implementation of the MPL is flawed. However, the critiques of the implementation of the MPL are valuable in drawing attention to issues that the wider Brazilian society might not have known of and, as Carlyle et al. suggest, eventually increase the demands of voters and funding for these services.<sup>288</sup> These problems are, at the very least, being discussed rather than going unnoticed.

It would be too easy to focus on the government's failures in the MPL's implementation without acknowledging that in the last 12 years, the very way domestic violence is discussed at a societal level has shifted to one that accepts the need to embed the demands of human rights standards within the private sphere in national law. The State's inability to allocate adequate resources to the implementation of the MPL does not necessarily reflect the failures of the law to change societal views. Expressions of support for the MPL and the values it stands for suggest that the changes since 2006 have been profound and seem to overpower discussions of resistance to the MPL. Not a single story expresses support for views like that of the founder of the Institute for Man, calling for a return to 'traditional family values.'<sup>289</sup> Rather, they refer to the MPL as necessary and important. In a number of instances, journalists and interviewees use the language of human rights in sending these messages, talking about discrimination, obligations, and rights. Such conversations suggest that a law that directly replicates human rights norms has led to much

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<sup>288</sup> Carlyle et al., "Newspaper Coverage of Intimate Partner Violence: Skewing Representations of Risk."

<sup>289</sup> O Viral, "Fundação do Instituto Homem, para defender acusados pela Lei Maria da Penha, revolta a internet."

more than a “superficial and primarily decorative”<sup>290</sup> adoption of human rights norms in the Brazilian context. If we take the media to reflect the dominant narrative on domestic violence, the views expressed in online news stories would suggest the norms of the MPL have been quite successfully adopted by a large number of Brazilians. Moreover, the media in certain cases appears to take on a more self-aware role in trying to influence the rights-consciousness of women and get them to report domestic violence if they are experiencing it.

Perhaps the most interesting particularity of the process of vernacularization that occurred in Brazil through the MPL is that of Maria da Penha herself. She seems to introduce an element of the “hybridization” of human rights demands that occurs alongside their direct replication in the MPL. According to Merry and Levitt, “what distinguishes human rights ideas...[is] that they refer to the international system for authority.”<sup>291</sup> Maria da Penha relied on the international system for its authority and as an activist continues to do so in the press. Yet, she is also a Brazilian woman who suffered injustice in Brazil and is eponymous with the law that gave Brazilian women protection. As a Brazilian woman, she still appeals to Brazilian traditional values, such as the importance of a woman’s role as a mother, in her discourse. While every national context is different, Brazil’s example suggests it may be possible for human rights to be vernacularized in a way that is both resonant with local values and that does not dilute the power of international human rights standards.

The story of the MPL is not a clear-cut success story; however, it does reflect how a law was used as a successful tool of vernacularization and hints at elements that could contribute to vernacularization being fairly successful without excessive hybridization, in a context like Brazil. The 50 articles examined do reveal where the vernacularization may have fallen short of

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<sup>290</sup> Ibid.

<sup>291</sup> Merry and Levitt, “The Vernacularization of Women’s Human Rights,” 214.

transforming Brazilian society. For example, there appears to be a greater need to tell the stories of women of color in the media. Moreover, domestic violence remains undeniably pervasive, regardless of whether increased rates reflect greater willingness to report to the police. Some of the stories explicitly encourage women to report domestic violence, contributing to greater rights awareness, which is important for vernacularization.

The sample of 50 articles studied is only a fraction of the thousands of conversations on the MPL that have occurred in the media over the 12 years since the MPL was passed. Even after conducting my research for this paper, the law has continued to evolve. On March 27, 2019, for example, Brazil's House of Representatives voted<sup>292</sup> to provide instant divorces to women who want to separate from their spouses in cases of domestic violence.<sup>293</sup> However, there are also fears that the human rights of women are being threatened under President Bolsonaro. In the first months of his mandate, gun laws have already been relaxed.<sup>294</sup> Moreover, the "School Without Party"<sup>295</sup> policy threatens to ban any discussions of gender-related issues in schools and could have negative implications when it comes to educating a new generation of children about domestic violence.<sup>296</sup> Nevertheless, it is still possible to conclude that the norms and language of human rights have already caused the dominant narrative on domestic violence to shift dramatically in spite of the State's lack of investment in implementing human rights laws. Tentatively, at least, this offers reason to believe that moving forwards these human rights ideas could continue to resonate with Brazilians regardless of the volatile political climate. While Brazil has much room for

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<sup>292</sup> This must still be approved by the senate.

<sup>293</sup> Editorial Team, "Câmara aprova que divórcio seja imediato em casos de violência doméstica," VEJA, March 28, 2019, <https://veja.abril.com.br/brasil/camara-aprova-que-divorcio-seja-imediato-em-casos-de-violencia-domestica/>.

<sup>294</sup> Jo Griffin, "'We Are Afraid': Brazilian Women Alarmed at Relaxation of Gun Laws," *The Guardian*, January 28, 2019, sec. Global development, <https://www.theguardian.com/global-development/2019/jan/28/we-are-afraid-brazilian-women-recoil-jair-bolsonaro-relaxation-gun-laws-domestic-violence>.

<sup>295</sup> "Escola Sem Partido"

<sup>296</sup> De Lima, "Com o 'Escola sem Partido,' será proibido falar de violência doméstica e sexual nas Escolas."

improvement in the protection of women's human rights, the story of the MPL is one that human rights advocates should not neglect in their attempts to harness human rights norms to protect women from domestic violence in various national contexts.

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